



**Minnesota Pollution  
Control Agency**

520 Lafayette Road North  
St. Paul, MN 55155-4194

# MS4 SWPPP Application for Reauthorization

for the NPDES/SDS General Small Municipal Separate  
Storm Sewer System (MS4) Permit MNR040000  
reissued with an effective date of August 1, 2013  
Stormwater Pollution Prevention Program (SWPPP) Document

Doc Type: Permit Application

**Instructions:** This application is for authorization to discharge stormwater associated with Municipal Separate Storm Sewer Systems (MS4s) under the National Pollutant Discharge Elimination System/State Disposal System (NPDES/SDS) Permit Program. **No fee** is required with the submittal of this application. Please refer to "Example" for detailed instructions found on the Minnesota Pollution Control Agency (MPCA) MS4 website at <http://www.pca.state.mn.us/ms4>.

**Submittal:** This MS4 SWPPP Application for Reauthorization form must be submitted electronically via e-mail to the MPCA at [ms4permitprogram.pca@state.mn.us](mailto:ms4permitprogram.pca@state.mn.us) from the person that is duly authorized to certify this form. All questions with an asterisk (\*) are required fields. All applications will be returned if required fields are not completed.

**Questions:** Contact Claudia Hochstein at 651-757-2881 or [claudia.hochstein@state.mn.us](mailto:claudia.hochstein@state.mn.us), Dan Miller at 651-757-2246 or [daniel.miller@state.mn.us](mailto:daniel.miller@state.mn.us), or call toll-free at 800-657-3864.

## General Contact Information (\*Required fields)

### MS4 Owner (with ownership or operational responsibility, or control of the MS4)

\*MS4 permittee name: City of Birchwood Village \*County: Washington  
(city, county, municipality, government agency or other entity)

\*Mailing address: 207 Birchwood Avenue

\*City: Birchwood \*State: MN \*Zip code: 55110

\*Phone (including area code): 651-426-3403 \*E-mail: birchwoodvillage@comcast.net

### MS4 General contact (with Stormwater Pollution Prevention Program [SWPPP] implementation responsibility)

\*Last name: Wingfield \*First name: Mary  
(department head, MS4 coordinator, consultant, etc.)

\*Title: Mayor

\*Mailing address: 207 Birchwood Avenue

\*City: Birchwood \*State: MN \*Zip code: 55110

\*Phone (including area code): 651-426-3403 \*E-mail: mary.wingfield@juno.com

### Preparer information (complete if SWPPP application is prepared by a party other than MS4 General contact)

Last name: Meyer First name: Tom  
(department head, MS4 coordinator, consultant, etc.)

Title: Thatcher Engineering, Inc. - Consulting Engineer

Mailing address: 3055 Old Highway 8, Suite 103

City: Minneapolis State: MN Zip code: 55418

Phone (including area code): 612-781-2188 E-mail: tmeyer@thatcher-eng.com

## Verification

1. I seek to continue discharging stormwater associated with a small MS4 after the effective date of this Permit, and shall submit this MS4 SWPPP Application for Reauthorization form, in accordance with the schedule in Appendix A, Table 1, with the SWPPP document completed in accordance with the Permit (Part II.D.). ☒ Yes
2. I have read and understand the NPDES/SDS MS4 General Permit and certify that we intend to comply with all requirements of the Permit. ☒ Yes

## Certification (All fields are required)

---

- ☒ Yes - I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted.

*I certify that based on my inquiry of the person, or persons, who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete.*

*I am aware that there are significant penalties for submitting false information, including the possibility of civil and criminal penalties.*

This certification is required by Minn. Stat. §§ 7001.0070 and 7001.0540. The authorized person with overall, MS4 legal responsibility must certify the application (principal executive officer or a ranking elected official).

By typing my name in the following box, I certify the above statements to be true and correct, to the best of my knowledge, and that this information can be used for the purpose of processing my application.

Name: Mary Wingfield  
(This document has been electronically signed)

Title: Mayor Date (mm/dd/yyyy): 11/22/2013

Mailing address: 207 Birchwood Avenue

City: Birchwood State: MN Zip code: 55110

Phone (including area code): 651-426-3403 E-mail: mary.wingfield@juno.com

**Note:** The application will not be  
processed without certification.

# Stormwater Pollution Prevention Program Document

## I. Partnerships: (Part II.D.1)

- A. List the **regulated small MS4(s)** with which you have established a partnership in order to satisfy one or more requirements of this Permit. Indicate which Minimum Control Measure (MCM) requirements or other program components that each partnership helps to accomplish (List all that apply). Check the box below if you currently have no established partnerships with other regulated MS4s. If you have more than five partnerships, hit the tab key after the last line to generate a new row.

☐ No partnerships with regulated small MS4s

Name and description of partnership	MCM/Other permit requirements involved
Rice Creek Watershed District (RCWD) – Partner with RCWD in providing educational information/programs and establishing/enforcing rules and policies	MCM 1, 2, 3, 4, 5
City of White Bear Lake – Partner with White Bear Lake for Building Permit Review	MCM 4

- B. If you have additional information that you would like to communicate about your partnerships with other regulated small MS4(s), provide it in the space below, or include an attachment to the SWPPP Document, with the following file naming convention: *MS4NameHere\_Partnerships*.

## II. Description of Regulatory Mechanisms: (Part II.D.2)

### Illicit discharges

- A. Do you have a regulatory mechanism(s) that effectively prohibits non-stormwater discharges into your small MS4, except those non-stormwater discharges authorized under the Permit (Part III.D.3.b.)? ☒ Yes ☐ No

1. If **yes**:

- a. Check which *type* of regulatory mechanism(s) your organization has (check all that apply):

☒ Ordinance ☐ Contract language  
☐ Policy/Standards ☐ Permits  
☒ Rules  
☐ Other, explain: \_\_\_\_\_

- b. Provide either a direct link to the mechanism selected above or attach it as an electronic document to this form; or if your regulatory mechanism is either an Ordinance or a Rule, you may provide a citation:

Citation:

*City Ordinance No. 202.100 - An Ordinance Relating to Illicit Discharge Detection and Elimination*

*RCWD Rule H: Illicit Discharge & Connection*

Direct link:

[http://www.ricecreek.org/vertical/Sites/%7BF68A5205-A996-4208-96B5-2C7263C03AA9%7D/uploads/FINAL\\_ADOPTED\\_RULE\\_06-26-2013.pdf?time=0](http://www.ricecreek.org/vertical/Sites/%7BF68A5205-A996-4208-96B5-2C7263C03AA9%7D/uploads/FINAL_ADOPTED_RULE_06-26-2013.pdf?time=0)

☒ Check here if attaching an electronic copy of your regulatory mechanism, with the following file naming convention: *MS4NameHere\_IDDEreg*.

2. If **no**:

Describe the tasks and corresponding schedules that will be taken to assure that, within 12 months of the date permit coverage is extended, this permit requirement is met:

### Construction site stormwater runoff control

- A. Do you have a regulatory mechanism(s) that establishes requirements for erosion and sediment controls and waste controls? ☒ Yes ☐ No

1. If **yes**:

- a. Check which *type* of regulatory mechanism(s) your organization has (check all that apply):

- ☒ Ordinance ☐ Contract language  
☐ Policy/Standards ☐ Permits  
☒ Rules  
☐ Other, explain: \_\_\_\_\_

- b. Provide either a direct link to the mechanism selected above or attach it as an electronic document to this form; or if your regulatory mechanism is either an Ordinance or a Rule, you may provide a citation:

Citation:

*Zoning Code - 302.055 Land Disturbance Activity Standards - 302.055(2)(c)*

*Zoning Code - 306.030 Conditional Use Permit for Land Disturbance Activity*

*RCWD Rule D: Erosion and Sediment Control Plans*

Direct link:

<http://tinyurl.com/npzde7w>

[http://www.ricecreek.org/vertical/Sites/%7BF68A5205-A996-4208-96B5-2C7263C03AA9%7D/uploads/FINAL\\_ADOPTED\\_RULE\\_06-26-2013.pdf?time=0](http://www.ricecreek.org/vertical/Sites/%7BF68A5205-A996-4208-96B5-2C7263C03AA9%7D/uploads/FINAL_ADOPTED_RULE_06-26-2013.pdf?time=0)

- ☒ Check here if attaching an electronic copy of your regulatory mechanism, with the following file naming convention: *MS4NameHere\_CSWreg*.

- B. Is your regulatory mechanism at least as stringent as the MPCA general permit to Discharge Stormwater Associated with Construction Activity (as of the effective date of the MS4 Permit)? ☒ Yes ☐ No

If you answered **yes** to the above question, proceed to C.

If you answered **no** to either of the above permit requirements listed in A. or B., describe the tasks and corresponding schedules that will be taken to assure that, within 12 months of the date permit coverage is extended, these permit requirements are met:

- C. Answer **yes** or **no** to indicate whether your regulatory mechanism(s) requires owners and operators of construction activity to develop site plans that incorporate the following erosion and sediment controls and waste controls as described in the Permit (Part III.D.4.a.(1)-(8)), and as listed below:

- |                                                                                                                                                                      |                                                                     |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------|
| 1. Best Management Practices (BMPs) to minimize erosion.                                                                                                             | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| 2. BMPs to minimize the discharge of sediment and other pollutants.                                                                                                  | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| 3. BMPs for dewatering activities.                                                                                                                                   | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| 4. Site inspections and records of rainfall events                                                                                                                   | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| 5. BMP maintenance                                                                                                                                                   | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| 6. Management of solid and hazardous wastes on each project site.                                                                                                    | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| 7. Final stabilization upon the completion of construction activity, including the use of perennial vegetative cover on all exposed soils or other equivalent means. | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| 8. Criteria for the use of temporary sediment basins.                                                                                                                | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |

If you answered **no** to any of the above permit requirements, describe the tasks and corresponding schedules that will be taken to assure that, within 12 months of the date permit coverage is extended, these permit requirements are met:

*The City will revise current ordinances to clarify that the City has the regulatory authority to enforce RCWD Rules.*

## Post-construction stormwater management

- A. Do you have a regulatory mechanism(s) to address post-construction stormwater management activities? ☒ Yes ☐ No

1. If **yes**:

- a. Check which *type* of regulatory mechanism(s) your organization has (check all that apply):

- ☒ Ordinance ☐ Contract language  
☐ Policy/Standards ☐ Permits

☒ Rules

☐ Other, explain: \_\_\_\_\_

- b. Provide either a direct link to the mechanism selected above or attach it as an electronic document to this form; or if your regulatory mechanism is either an Ordinance or a Rule, you may provide a citation:

Citation:

*Zoning Code - 302.055 Land Disturbance Activity Standards - 302.055(2)(c)*

*RCWD Rule C: Stormwater Management Plans*

Direct link:

<http://tinyurl.com/npzde7w>

[http://www.ricecreek.org/vertical/Sites/%7BF68A5205-A996-4208-96B5-2C7263C03AA9%7D/uploads/FINAL\\_ADOPTED\\_RULE\\_06-26-2013.pdf?time=0](http://www.ricecreek.org/vertical/Sites/%7BF68A5205-A996-4208-96B5-2C7263C03AA9%7D/uploads/FINAL_ADOPTED_RULE_06-26-2013.pdf?time=0)

☒ Check here if attaching an electronic copy of your regulatory mechanism, with the following file naming convention: *MS4NameHere\_PostCSWreg*.

- B. Answer **yes** or **no** below to indicate whether you have a regulatory mechanism(s) in place that meets the following requirements as described in the Permit (Part III.D.5.a.):

1. **Site plan review:** Requirements that owners and/or operators of construction activity submit site plans with post-construction stormwater management BMPs to the permittee for review and approval, prior to start of construction activity. ☒ Yes ☐ No
2. **Conditions for post construction stormwater management:** Requires the use of any combination of BMPs, with highest preference given to Green Infrastructure techniques and practices (e.g., infiltration, evapotranspiration, reuse/harvesting, conservation design, urban forestry, green roofs, etc.), necessary to meet the following conditions on the site of a construction activity to the Maximum Extent Practicable (MEP):
  - a. For new development projects – no net increase from pre-project conditions (on an annual average basis) of: ☒ Yes ☐ No
    - 1) Stormwater discharge volume, unless precluded by the stormwater management limitations in the Permit (Part III.D.5.a(3)(a)).
    - 2) Stormwater discharges of Total Suspended Solids (TSS).
    - 3) Stormwater discharges of Total Phosphorus (TP).
  - b. For redevelopment projects – a net reduction from pre-project conditions (on an annual average basis) of: ☒ Yes ☐ No
    - 1) Stormwater discharge volume, unless precluded by the stormwater management limitations in the Permit (Part III.D.5.a(3)(a)).
    - 2) Stormwater discharges of TSS.
    - 3) Stormwater discharges of TP.
3. **Stormwater management limitations and exceptions:**
  - a. Limitations
    - 1) Prohibit the use of infiltration techniques to achieve the conditions for post-construction stormwater management in the Permit (Part III.D.5.a(2)) when the infiltration structural stormwater BMP will receive discharges from, or be constructed in areas: ☒ Yes ☐ No
      - a) Where industrial facilities are not authorized to infiltrate industrial stormwater under an NPDES/SDS Industrial Stormwater Permit issued by the MPCA.
      - b) Where vehicle fueling and maintenance occur.
      - c) With less than three (3) feet of separation distance from the bottom of the infiltration system to the elevation of the seasonally saturated soils or the top of bedrock.
      - d) Where high levels of contaminants in soil or groundwater will be mobilized by the infiltrating stormwater.
    - 2) Restrict the use of infiltration techniques to achieve the conditions for post-construction stormwater management in the Permit (Part III.D.5.a(2)), without higher engineering review, sufficient to provide a functioning treatment system and prevent adverse impacts to groundwater, when the infiltration device will be constructed in areas: ☒ Yes ☐ No
      - a) With predominately Hydrologic Soil Group D (clay) soils.
      - b) Within 1,000 feet up-gradient, or 100 feet down-gradient of active karst features.
      - c) Within a Drinking Water Supply Management Area (DWSMA) as defined in Minn. R. 4720.5100, subp. 13.
      - d) Where soil infiltration rates are more than 8.3 inches per hour.

- 3) For linear projects where the lack of right-of-way precludes the installation of volume control practices that meet the conditions for post-construction stormwater management in the Permit (Part III.D.5.a(2)), the permittee's regulatory mechanism(s) may allow exceptions as described in the Permit (Part III.D.5.a(3)(b)). The permittee's regulatory mechanism(s) shall ensure that a reasonable attempt be made to obtain right-of-way during the project planning process. ☒ Yes ☐ No
4. **Mitigation provisions:** The permittee's regulatory mechanism(s) shall ensure that any stormwater discharges of TSS and/or TP not addressed on the site of the original construction activity are addressed through mitigation and, at a minimum, shall ensure the following requirements are met:
- a. Mitigation project areas are selected in the following order of preference: ☒ Yes ☐ No
- 1) Locations that yield benefits to the same receiving water that receives runoff from the original construction activity.
  - 2) Locations within the same Minnesota Department of Natural Resource (DNR) catchment area as the original construction activity.
  - 3) Locations in the next adjacent DNR catchment area up-stream
  - 4) Locations anywhere within the permittee's jurisdiction.
- b. Mitigation projects must involve the creation of new structural stormwater BMPs or the retrofit of existing structural stormwater BMPs, or the use of a properly designed regional structural stormwater BMP. ☒ Yes ☐ No
- c. Routine maintenance of structural stormwater BMPs already required by this permit cannot be used to meet mitigation requirements of this part. ☒ Yes ☐ No
- d. Mitigation projects shall be completed within 24 months after the start of the original construction activity. ☒ Yes ☐ No
- e. The permittee shall determine, and document, who will be responsible for long-term maintenance on all mitigation projects of this part. ☒ Yes ☐ No
- f. If the permittee receives payment from the owner and/or operator of a construction activity for mitigation purposes in lieu of the owner or operator of that construction activity meeting the conditions for post-construction stormwater management in Part III.D.5.a(2), the permittee shall apply any such payment received to a public stormwater project, and all projects must be in compliance with Part III.D.5.a(4)(a)-(e). ☒ Yes ☐ No
5. **Long-term maintenance of structural stormwater BMPs:** The permittee's regulatory mechanism(s) shall provide for the establishment of legal mechanisms between the permittee and owners or operators responsible for the long-term maintenance of structural stormwater BMPs not owned or operated by the permittee, that have been implemented to meet the conditions for post-construction stormwater management in the Permit (Part III.D.5.a(2)). This only includes structural stormwater BMPs constructed after the effective date of this permit and that are directly connected to the permittee's MS4, and that are in the permittee's jurisdiction. The legal mechanism shall include provisions that, at a minimum:
- a. Allow the permittee to conduct inspections of structural stormwater BMPs not owned or operated by the permittee, perform necessary maintenance, and assess costs for those structural stormwater BMPs when the permittee determines that the owner and/or operator of that structural stormwater BMP has not conducted maintenance. ☒ Yes ☐ No
- b. Include conditions that are designed to preserve the permittee's right to ensure maintenance responsibility, for structural stormwater BMPs not owned or operated by the permittee, when those responsibilities are legally transferred to another party. ☒ Yes ☐ No
- c. Include conditions that are designed to protect/preserve structural stormwater BMPs and site features that are implemented to comply with the Permit (Part III.D.5.a(2)). If site configurations or structural stormwater BMPs change, causing decreased structural stormwater BMP effectiveness, new or improved structural stormwater BMPs must be implemented to ensure the conditions for post-construction stormwater management in the Permit (Part III.D.5.a(2)) continue to be met. ☒ Yes ☐ No

If you answered **no** to any of the above permit requirements, describe the tasks and corresponding schedules that will be taken to assure that, within twelve (12) months of the date permit coverage is extended, these permit requirements are met:

*B.2. - B.5. The City works in partnership with the City of White Bear Lake and the Rice Creek Watershed District (RCWD) to permit land disturbance activities. RCWD Rules govern land disturbance activities requiring a permit within the city. The City will continue to work with White Bear Lake and RCWD to ensure the minimum Permit requirements are met. The City will revise current ordinances to clarify that the City has the regulatory authority to enforce RCWD Rules.*

### III. Enforcement Response Procedures (ERPs): (Part II.D.3)

- A. Do you have existing ERPs that satisfy the requirements of the Permit (Part III.B.)? ☐ Yes ☒ No
1. If **yes**, attach them to this form as an electronic document, with the following file naming convention: *MS4NameHere\_ERPs*.
  2. If **no**, describe the tasks and corresponding schedules that will be taken to assure that, with twelve (12) months of the date permit coverage is extended, these permit requirements are met:  
*The City will review all current procedures and work to develop written procedures and mechanisms as necessary to enforce and compel compliance with current ordinances. The procedures will meet the requirements of the Permit and will be established within 12 months of the date of the date permit coverage is extended.*
- B. Describe your ERPs:

### IV. Storm Sewer System Map and Inventory: (Part II.D.4.)

- A. Describe how you manage your storm sewer system map and inventory:  
*The storm sewer system map and inventory is updated at the time of any changes to the system or on an annual basis.*
- B. Answer **yes** or **no** to indicate whether your storm sewer system map addresses the following requirements from the Permit (Part III.C.1.a-d), as listed below:
1. The permittee's entire small MS4 as a goal, but at a minimum, all pipes 12 inches or greater in diameter, including stormwater flow direction in those pipes. ☒ Yes ☐ No
  2. Outfalls, including a unique identification (ID) number assigned by the permittee, and an associated geographic coordinate. ☐ Yes ☒ No
  3. Structural stormwater BMPs that are part of the permittee's small MS4. ☒ Yes ☐ No
  4. All receiving waters. ☒ Yes ☐ No
- If you answered **no** to any of the above permit requirements, describe the tasks and corresponding schedules that will be taken to assure that, within 12 months of the date permit coverage is extended, these permit requirements are met:  
*B.2. All outfalls include a unique ID, however, they are not currently associated with a geographic set of coordinates. The City will update the storm sewer system map and inventory to include a geographic set of coordinates for the outfalls identified. The work will be completed within 12 months of the date the permit coverage is extended.*
- C. Answer **yes** or **no** to indicate whether you have completed the requirements of 2009 Minnesota Session Law, Ch. 172. Sec. 28: with the following inventories, according to the specifications of the Permit (Part III.C.2.a.-b.), including:
1. All ponds within the permittee's jurisdiction that are constructed and operated for purposes of water quality treatment, stormwater detention, and flood control, and that are used for the collection of stormwater via constructed conveyances. ☐ Yes ☒ No
  2. All wetlands and lakes, within the permittee's jurisdiction, that collect stormwater via constructed conveyances. ☐ Yes ☒ No
- D. Answer **yes** or **no** to indicate whether you have completed the following information for each feature inventoried.
1. A unique identification (ID) number assigned by the permittee. ☐ Yes ☒ No
  2. A geographic coordinate. ☐ Yes ☒ No
  3. Type of feature (e.g., pond, wetland, or lake). This may be determined by using best professional judgment. ☐ Yes ☒ No

If you have answered **yes** to all above requirements, and you have already submitted the Pond Inventory Form to the MPCA, then you do not need to resubmit the inventory form below.

If you answered **no** to any of the above permit requirements, describe the tasks and corresponding schedules that will be taken to assure that, within 12 months of the date permit coverage is extended, these permit requirements are met:

*C & D. All ponds, wetlands, and lakes will be inventoried and assigned a unique ID and geographic set of coordinates, as required in the Permit (Part III.C.2.) The work will be completed within 12 months of the date the permit coverage is extended.*

- E. Answer **yes** or **no** to indicate if you are attaching your pond, wetland and lake inventory to the MPCA on the form provided on the MPCA website at: <http://www.pca.state.mn.us/ms4>, according to the specifications of Permit (Part III.C.2.b.(1)-(3)). Attach with the following file naming convention: *MS4NameHere\_inventory*. ☐ Yes ☒ No

If you answered **no**, the inventory form must be submitted to the MPCA MS4 Permit Program within 12 months of the date permit coverage is extended.

## V. Minimum Control Measures (MCMs) (Part II.D.5)

### A. MCM1: Public education and outreach

1. The Permit requires that, within 12 months of the date permit coverage is extended, existing permittees revise their education and outreach program that focuses on illicit discharge recognition and reporting, as well as other specifically selected stormwater-related issue(s) of high priority to the permittee during this permit term. Describe your **current** educational program, including **any high-priority topics included**:

*The City of Birchwood Village is a residential community located on the shores of White Bear Lake. Current educational programs and information focus on residential issues and lake water quality, though there are no high-priority topics. The city partners with Rice Creek Watershed District to educate the community. Brochures and the city's newsletter are used to communicate educational information to the community.*

2. List the categories of BMPs that address your public education and outreach program, including the distribution of educational materials and a program implementation plan. Use the first table for categories of BMPs that you have established and the second table for categories of BMPs that you plan to implement over the course of the permit term.

Include the measurable goals with appropriate timeframes that each BMP category will be implemented and completed. In addition, provide interim milestones and the frequency of action in which the permittee will implement and/or maintain the BMPs. Refer to the U.S. Environmental Protection Agency's (EPA) *Measurable Goals Guidance for Phase II Small MS4s* (<http://www.epa.gov/npdes/pubs/measurablegoals.pdf>).

If you have more than five categories, hit the tab key after the last line to generate a new row.

Established BMP categories	Measurable goals and timeframes
Distribute Educational Materials	We will continue to distribute educational material and track material distributed. Education material is distributed through city newsletters.
Implement an Education Program	Increase public awareness and understanding of storm water issues. The city will continue to evaluate the education program and modify programs as necessary to increase public participation. The city will track attendance and participation at the annual meetings.
Coordination of Education Programs	Time spent working with Rice Creek Watershed District (RCWD) on educational programs. City representative will continue to work with RCWD to coordinate educational opportunities. The city will track time spent coordinating with RCWD and increase partnership time during the current permit period
Annual Public Meeting	Attendance from residents. The city will continue to track attendance at the annual meetings.
BMP categories to be implemented	Measurable goals and timeframes
Program Evaluation	The city will review the educational programs at the annual meeting and discuss how the programs can be modified or improved to benefit the community. This information will be used to assist with determining topics to emphasize in the city newsletter.

3. Provide the name or the position title of the individual(s) who is responsible for implementing and/or coordinating this MCM:

*City Clerk*

### B. MCM2: Public participation and involvement

1. The Permit (Part III.D.2.a.) requires that, within 12 months of the date permit coverage is extended, existing permittees shall revise their current program, as necessary, and continue to implement a public participation/involvement program to solicit public input on the SWPPP. Describe your current program:

*An opportunity to hear comments on the SWPPP is provided each year during an annual meeting held in combination with a City Council Meeting. Public notice of the meeting is published and posted to encourage participation from the community.*



2. List the categories of BMPs that address your public participation/involvement program, including solicitation and documentation of public input on the SWPPP. Use the first table for categories of BMPs that you have established and the second table for categories of BMPs that you plan to implement over the course of the permit term.

Include the measurable goals with appropriate timeframes that each BMP category will be implemented and completed. In addition, provide interim milestones and the frequency of action in which the permittee will implement and/or maintain the BMPs. Refer to the EPA's *Measurable Goals Guidance for Phase II Small MS4s* (<http://www.epa.gov/npdes/pubs/measurablegoals.pdf>). **If you have more than five categories**, hit the tab key after the last line to generate a new row.

Established BMP categories	Measurable goals and timeframes
Comply with Public Notice Requirement	Attendance from residents. The city will continue to hold annual meetings and provide sufficient public notice in accordance with City public notice notification requirements to encourage participation from the community.
Solicit Public Input and opinion on the Adequacy of the SWPPP	Track number of attendees at the annual meeting and the number of comments received concerning the SWPPP. The city will continue to track these numbers at future annual meetings. The goal is to increase public participation.
Consider Public Input	Track number of attendees at the annual meeting and the number of comments received concerning the SWPPP. The city will continue to consider and incorporate as necessary public input at future annual meetings. The goal is to respond to all public input.
BMP categories to be implemented	Measurable goals and timeframes
Online Availability of Stormwater Pollution Prevention Program Document	The city will improve the online access of the SWPPP document so that it is easily accessible to residents. The city will set a goal to improve access within the first two years of the current permit period.

3. Do you have a process for receiving and documenting citizen input? ☒ Yes ☐ No

If you answered **no** to the above permit requirement, describe the tasks and corresponding schedules that will be taken to assure that, within 12 months of the date permit coverage is extended, this permit requirement is met:

4. Provide the name or the position title of the individual(s) who is responsible for implementing and/or coordinating this MCM:

*City Clerk*

### C. MCM 3: Illicit discharge detection and elimination

1. The Permit (Part III.D.3.) requires that, within 12 months of the date permit coverage is extended, existing permittees revise their current program as necessary, and continue to implement and enforce a program to detect and eliminate illicit discharges into the small MS4. Describe your current program:

*The city has an ordinance that prohibits illicit discharges and connections along with similar rules established by the Rice Creek Watershed District.*

2. Does your Illicit Discharge Detection and Elimination Program meet the following requirements, as found in the Permit (Part III.D.3.c.-g.)?

- Incorporation of illicit discharge detection into all inspection and maintenance activities conducted under the Permit (Part III.D.6.e.-f.) Where feasible, illicit discharge inspections shall be conducted during dry-weather conditions (e.g., periods of 72 or more hours of no precipitation). ☐ Yes ☒ No
- Detecting and tracking the source of illicit discharges using visual inspections. The permittee may also include use of mobile cameras, collecting and analyzing water samples, and/or other detailed procedures that may be effective investigative tools. ☐ Yes ☒ No
- Training of all field staff, in accordance with the requirements of the Permit (Part III.D.6.g.(2)), in illicit discharge recognition (including conditions which could cause illicit discharges), and reporting illicit discharges for further investigation. ☐ Yes ☒ No
- Identification of priority areas likely to have illicit discharges, including at a minimum, evaluating land use associated with business/industrial activities, areas where illicit discharges have been identified in the past, and areas with storage of large quantities of significant materials that could result in an illicit discharge. ☐ Yes ☒ No
- Procedures for the timely response to known, suspected, and reported illicit discharges. ☐ Yes ☒ No

- f. Procedures for investigating, locating, and eliminating the source of illicit discharges. ☐ Yes ☒ No
- g. Procedures for responding to spills, including emergency response procedures to prevent spills from entering the small MS4. The procedures shall also include the immediate notification of the Minnesota Department of Public Safety Duty Officer, if the source of the illicit discharge is a spill or leak as defined in Minn. Stat. § 115.061. ☐ Yes ☒ No
- h. When the source of the illicit discharge is found, the permittee shall use the ERPs required by the Permit (Part III.B.) to eliminate the illicit discharge and require any needed corrective action(s). ☐ Yes ☒ No

If you answered **no** to any of the above permit requirements, describe the tasks and corresponding schedules that will be taken to assure that, within 12 months of the date permit coverage is extended, these permit requirements are met:

*C.2.a-h. The city will review existing procedures related to detecting and responding to an illicit discharge. All necessary updates to the procedures to comply with the Permit (Part iii.d.3.) will be made within 12 months of the date permit coverage is extended.*

3. List the categories of BMPs that address your illicit discharge, detection and elimination program. Use the first table for categories of BMPs that you have established and the second table for categories of BMPs that you plan to implement over the course of the permit term.

Include the measurable goals with appropriate timeframes that each BMP category will be implemented and completed. In addition, provide interim milestones and the frequency of action in which the permittee will implement and/or maintain the BMPs. Refer to the EPA's *Measurable Goals Guidance for Phase II Small MS4s* (<http://www.epa.gov/npdes/pubs/measurablegoals.pdf>).

If you have more than five categories, hit the tab key after the last line to generate a new row.

Established BMP categories	Measurable goals and timeframes
Storm Sewer Map	The city's storm sewer map is updated annually or as necessary when changes to the system are made. Annual updates will continue.
Regulatory Control Program	The program was established to address how to detect and address illicit discharges. The city will continue to review procedures annually to ensure illicit discharges are addressed appropriately.
Illicit Discharge Detection and Elimination Plan	The program was established to detect and address illicit discharges. Program procedures will be reviewed and revised as necessary within 12 months of the date permit coverage is extended.
Public & Employee Illicit Discharge Information Program	The Illicit Discharge Information is relayed to the public through educational materials. The city will continue to distribute educational materials regarding illicit discharge detection and elimination. The city will track newsletter publications and record on the annual report.
Identification of Non-Stormwater Discharges and Flows	Non-stormwater discharges and flows were inspected and addressed as necessary. The city will continue to inspect for non-stormwater discharges and flows as necessary, including televising of sanitary sewer lines. Sewer lines are scheduled to be televised every 10 years.

BMP categories to be implemented	Measurable goals and timeframes
Illicit Discharge Detection and Elimination Plan Updates	Update the procedures of the plan to meet the requirements of the Permit (Part III.D.3.) within 12 months of the date permit coverage is extended. The city will track all reported illicit discharges and review for the need for additional actions. The goal is to keep the number of reported illicit discharges at zero on an annual basis.
Illicit Discharge Inspections	The city will review all facilities to identify any potential high priority/high risk areas. The city will set a goal to annually inspect and potential high priority/high risk areas and monitor results.
Illicit Discharge Investigation	The city televises the sanitary sewer system every ten years. The televising will be used to observe any potential illicit connections within the system.

4. Do you have procedures for record-keeping within your Illicit Discharge Detection and Elimination (IDDE) program as specified within the Permit (Part III.D.3.h.)? ☐ Yes ☒ No

If you answered **no**, indicate how you will develop procedures for record-keeping of your Illicit Discharge, Detection and

Elimination Program, within 12 months of the date permit coverage is extended:

*C.4. The city will establish written procedures for record-keeping within the IDDE program. City staff will record date, time, and location of any reported illicit discharge or connection along with the response. A database of illicit discharge information will be created as required in the permit (Part III.D.3.h) The procedures will be in place within 12 months of the date permit coverage is extended.*

5. Provide the name or the position title of the individual(s) who is responsible for implementing and/or coordinating this MCM:

*City Clerk*

#### **D. MCM 4: Construction site stormwater runoff control**

1. The Permit (Part III.D.4) requires that, within 12 months of the date permit coverage is extended, existing permittees shall revise their current program, as necessary, and continue to implement and enforce a construction site stormwater runoff control program. Describe your current program:

*The city defines land disturbing activities as work involving an area greater than four hundred (400) square feet and/or more than fifty (50) cubic yards in volume. The city code includes land disturbance activity standards to address land disturbances. In addition, the Rice Creek Watershed District has extensive stormwater and erosion control rules. The city contracts with the City of White Bear Lake for building permit review and inspection of active projects.*

2. Does your program address the following BMPs for construction stormwater erosion and sediment control as required in the Permit (Part III.D.4.b.):

- |                                                                                                                                                                                                                                                                                           |                                                                     |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------|
| a. Have you established written procedures for site plan reviews that you conduct prior to the start of construction activity?                                                                                                                                                            | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| b. Does the site plan review procedure include notification to owners and operators proposing construction activity that they need to apply for and obtain coverage under the MPCA's general permit to <i>Discharge Stormwater Associated with Construction Activity No. MN R100001</i> ? | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| c. Does your program include written procedures for receipt and consideration of reports of noncompliance or other stormwater related information on construction activity submitted by the public to the permittee?                                                                      | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| d. Have you included written procedures for the following aspects of site inspections to determine compliance with your regulatory mechanism(s):                                                                                                                                          |                                                                     |
| 1) Does your program include procedures for identifying priority sites for inspection?                                                                                                                                                                                                    | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| 2) Does your program identify a frequency at which you will conduct construction site inspections?                                                                                                                                                                                        | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| 3) Does your program identify the names of individual(s) or position titles of those responsible for conducting construction site inspections?                                                                                                                                            | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| 4) Does your program include a checklist or other written means to document construction site inspections when determining compliance?                                                                                                                                                    | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| e. Does your program document and retain construction project name, location, total acreage to be disturbed, and owner/operator information?                                                                                                                                              | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| f. Does your program document stormwater-related comments and/or supporting information used to determine project approval or denial?                                                                                                                                                     | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| g. Does your program retain construction site inspection checklists or other written materials used to document site inspections?                                                                                                                                                         | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |

If you answered **no** to any of the above permit requirements, describe the tasks and corresponding schedules that will be taken to assure that, within 12 months of the date permit coverage is extended, these permit requirements are met.

*The City works in partnership with the City of White Bear Lake to permit and inspect land disturbance activities. White Bear Lake's procedures for review and inspection govern land disturbance activities within the city. The City will continue to work with White Bear Lake to ensure the minimum Permit requirements are met.*

3. List the categories of BMPs that address your construction site stormwater runoff control program. Use the first table for categories of BMPs that you have established and the second table for categories of BMPs that you plan to implement over the course of the permit term.

Include the measurable goals with appropriate timeframes that each BMP category will be implemented and completed. In addition, provide interim milestones and the frequency of action in which the permittee will implement and/or maintain the BMPs. Refer to the EPA's *Measurable Goals Guidance for Phase II Small MS4s* (<http://www.epa.gov/npdes/pubs/measurablegoals.pdf>). If you have more than five categories, hit the tab key after the last line to generate a new row.

Established BMP categories	Measurable goals and timeframes
Ordinance or other Regulatory Mechanism	Existing ordinances are in place within the city code along with rules established by the Rice Creek Watershed District. Ordinances will be reviewed any modified as necessary to meet

	the requirements of the Permit (Part III.D.4). Changes to the city code will be in place within 12 months of the date permit coverage is extended.
Construction Site Implementation of Erosion and Sediment Control BMPs	The city works in partnership with the Rice Creek Watershed District to implement effective BMPs. The city will continue this partnership.
Waste Controls for Construction Site Operations	The city code has provisions relating to proper solid waste management and disposal. The issue is also addressed through the building permit inspection process. The city will continue the inspection process to ensure proper disposal of solid waste.
Procedure for Site Plan Review	The city works in partnership with the City of White Bear Lake and the Rice Creek Watershed District to review site plans. The city will maintain these partnerships and adjust site plan review procedures as necessary. Any necessary adjustments will be made within 12 months of the date permit coverage is extended.
Establishment of Procedures for the Receipt and Consideration of Reports of Stormwater Noncompliance	The city developed procedures to control and eliminate construction site waste. The procedures will be reviewed and modified as necessary. Any necessary adjustments will be made within 12 months of the date permit coverage is extended.
<b>BMP categories to be implemented</b>	<b>Measurable goals and timeframes</b>
Permit Update	Update the city code as necessary to meet the MPCA General Permit to Discharge Stormwater Associated with Construction Activity within 12 months of the date permit coverage is extended.
Checklist for Site Plan Review	Update the procedures for site plan review on an annual basis and establish a checklist for reviewers and applicants. The checklist will be in place within 12 months of the date permit coverage is extended.

4. Provide the name or the position title of the individual(s) who is responsible for implementing and/or coordinating this MCM:

City Clerk

## E. MCM 5: Post-construction stormwater management

1. The Permit (Part III.D.5.) requires that, within 12 months of the date permit coverage is extended, existing permittees shall revise their current program, as necessary, and continue to implement and enforce a post-construction stormwater management program. Describe your current program:

*The city works in partnership with Rice Creek Watershed District (RCWD) for the implementation and enforcement of post-construction stormwater management. RCWD has adopted rules outlining the requirements for post-construction stormwater management. The city will continue to partner with Rice Creek Watershed District.*

2. Have you established written procedures for site plan reviews that you will conduct prior to the start of construction activity? ☒ Yes ☐ No
3. Answer **yes** or **no** to indicate whether you have the following listed procedures for documentation of post-construction stormwater management according to the specifications of Permit (Part III.D.5.c.):
- a. Any supporting documentation that you use to determine compliance with the Permit (Part III.D.5.a), including the project name, location, owner and operator of the construction activity, any checklists used for conducting site plan reviews, and any calculations used to determine compliance? ☒ Yes ☐ No
- b. All supporting documentation associated with mitigation projects that you authorize? ☒ Yes ☐ No
- c. Payments received and used in accordance with Permit (Part III.D.5.a.(4)(f))? ☒ Yes ☐ No
- d. All legal mechanisms drafted in accordance with the Permit (Part III.D.5.a.(5)), including date(s) of the agreement(s) and names of all responsible parties involved? ☒ Yes ☐ No

If you answered **no** to any of the above permit requirements, describe the steps that will be taken to assure that, within 12 months of the date permit coverage is extended, these permit requirements are met.

*The City works in partnership with the Rice Creek Watershed District (RCWD) to implement and enforce post-construction stormwater management. RCWD Rules govern land disturbance activities requiring a permit within the city. The City will continue to work with RCWD to ensure the minimum Permit requirements are met.*

4. List the categories of BMPs that address your post-construction stormwater management program. Use the first table

for categories of BMPs that you have established and the second table for categories of BMPs that you plan to implement over the course of the permit term.

Include the measurable goals with appropriate timeframes that each BMP category will be implemented and completed. In addition, provide interim milestones and the frequency of action in which the permittee will implement and/or maintain the BMPs. Refer to the EPA's *Measurable Goals Guidance for Phase II Small MS4s* (<http://www.epa.gov/npdes/pubs/measurablegoals.pdf>). If you have more than five categories, hit the tab key after the last line to generate a new row.

Established BMP categories	Measurable goals and timeframes
Development and Implementation of Structural and/or Non-structural BMPs	Review all complaints received with White Bear Lake and RCWD. Annual review and maintain ordinances addressing stormwater management practices and update as needed. Any necessary adjustments to meet current permit requirements will be made within 12 months of the date permit coverage is extended.
Regulatory Mechanism to Address Post Construction Runoff from New Development and Redevelopment	Review building permits and application forms to assure that a RCWD permit is completed.
Long-term Operation and Maintenance of BMPs	Annually track the number and frequency of inspections and maintenance. Investigate all complaints.
Impaired Waters	Continue partnership with RCWD to address impairment of White Bear Lake. Address all impaired water issues at the annual meeting.
BMP categories to be implemented	Measurable goals and timeframes
Update Ordinances	Update ordinances as necessary to meet new Permit requirements within 12 months of extension of permit coverage.
Develop/Modify Procedures for Site Plan Review	Develop written procedures as necessary within 12 months of extension of permit coverage.
Document Project Information	Develop a system for maintaining project documents within 12 months of extension of permit coverage.

5. Provide the name or the position title of the individual(s) who is responsible for implementing and/or coordinating this MCM:

*City Clerk*

#### F. MCM 6: Pollution prevention/good housekeeping for municipal operations

1. The Permit (Part III.D.6.) requires that, within 12 months of the date permit coverage is extended, existing permittees shall revise their current program, as necessary, and continue to implement an operations and maintenance program that prevents or reduces the discharge of pollutants from the permittee owned/operated facilities and operations to the small MS4. Describe your current program:

*The city currently inspects its structural pollution control devices annually and cleans the devices as necessary. Maintenance procedures are in place to determine when devices must be cleaned. The city sweeps streets twice a year, in the spring and again in the fall. The city has also recently adopted a community leaf vacuuming program which picks up yard waste twice a year, limiting the amount of organic material reaching the storm sewer system.*

2. Do you have a facilities inventory as outlined in the Permit (Part III.D.6.a.)? ☐ Yes ☒ No
3. If you answered **no** to the above permit requirement in question 2, describe the tasks and corresponding schedules that will be taken to assure that, within 12 months of the date permit coverage is extended, this permit requirement is met:
- The city will review and determine if there are any facilities within the city that contribute pollutants to stormwater discharges. If facilities exist, an inventory will be developed and maintained within 12 months of the date permit coverage is extended.*
4. List the categories of BMPs that address your pollution prevention/good housekeeping for municipal operations program. Use the first table for categories of BMPs that you have established and the second table for categories of BMPs that you plan to implement over the course of the permit term.

Include the measurable goals with appropriate timeframes that each BMP category will be implemented and completed. In addition, provide interim milestones and the frequency of action in which the permittee will implement and/or maintain the BMPs. For an explanation of measurable goals, refer to the EPA's *Measurable Goals Guidance for Phase II Small MS4s* (<http://www.epa.gov/npdes/pubs/measurablegoals.pdf>).

If you have more than five categories, hit the tab key after the last line to generate a new row.

Established BMP categories	Measurable goals and timeframes
Municipal Operations and Maintenance Program	Document all inspections and maintenance. Continue annual storm drain inspection and cleaning program.
Street Sweeping	Continue to sweep streets twice a year, once in spring and again in the fall.
Annual Inspection of All Structural Pollution Control Devices	Continue to inspect structural pollution control devices and track the frequency of cleaning.
Inspection of a Minimum of 20 percent of the MS4 Outfalls, Sediment Basins and Ponds Each Year on a Rotating Basis	Continue to annually inspect a minimum of 20 percent of the outfalls.
Inspection Follow-up Including the Determination of Whether Repair, Replacement, or Maintenance Measures are Necessary and the Implementation of the Corrective Measures	Annually review inspection reports to determine if repair, replacement, or maintenance measures are necessary for proper operation. Continue to document all recommendations made and follow-up actions taken after the inspections are complete. Follow-up maintenance will be completed by City maintenance personnel as soon as possible, usually during the same year as the inspection.
Record Reporting and Retention of all Inspections and Responses to the Inspections	Summarize the results of the outfall inspections in the annual report. Address 100% of the citizen complaints. Records to be maintained at City Hall.
Evaluation of Inspection Frequency	Review inspection and maintenance schedules and adjust frequency based upon past records. Annually record the number of inspections and any maintenance performed.
BMP categories to be implemented	Measurable goals and timeframes
Facility Inventory	Review city-owned properties and buildings to determine their potential for contributing pollutants to stormwater discharges. Develop an inventory of properties as necessary within 12 months of the date permit coverage is extended.
Pond Assessment Procedures & Schedule	In year 1, develop procedures for determining TSS and TP treatment effectiveness of city-owned ponds used for treatment of stormwater. Implement schedule in years 2-5.

5. Does discharge from your MS4 affect a Source Water Protection Area (Permit Part III.D.6.c.)? ☒ Yes ☐ No
- a. If **no**, continue to 6.
- b. If **yes**, the Minnesota Department of Health (MDH) is in the process of mapping the following items. Maps are available at <http://www.health.state.mn.us/divs/eh/water/swp/maps/index.htm>. Is a map including the following items available for your MS4:
- 1) Wells and source waters for drinking water supply management areas identified as vulnerable under Minn. R. 4720.5205, 4720.5210, and 4720.5330? ☐ Yes ☒ No
- 2) Source water protection areas for surface intakes identified in the source water assessments conducted by or for the Minnesota Department of Health under the federal Safe Drinking Water Act, U.S.C. §§ 300j – 13? ☐ Yes ☒ No
- c. Have you developed and implemented BMPs to protect any of the above drinking water sources? ☒ Yes ☐ No
6. Have you developed procedures and a schedule for the purpose of determining the TSS and TP treatment effectiveness of all permittee owned/operated ponds constructed and used for the collection and treatment of stormwater, according to the Permit (Part III.D.6.d.)? ☐ Yes ☒ No
7. Do you have inspection procedures that meet the requirements of the Permit (Part III.D.6.e.(1)-(3)) for structural stormwater BMPs, ponds and outfalls, and stockpile, storage and material handling areas? ☒ Yes ☐ No
8. Have you developed and implemented a stormwater management training program commensurate with each employee's job duties that:
- a. Addresses the importance of protecting water quality? ☐ Yes ☒ No



- b. Covers the requirements of the permit relevant to the duties of the employee? ☐ Yes ☒ No
- c. Includes a schedule that establishes initial training for new and/or seasonal employees and recurring training intervals for existing employees to address changes in procedures, practices, techniques, or requirements? ☐ Yes ☒ No

9. Do you keep documentation of inspections, maintenance, and training as required by the Permit (Part III.D.6.h.(1)-(5))? ☒ Yes ☐ No

If you answered **no** to any of the above permit requirements listed in **Questions 5 – 9**, then describe the tasks and corresponding schedules that will be taken to assure that, within 12 months of the date permit coverage is extended, these permit requirements are met:

*F.6. There is one sediment basin/pond within the city. The city will work with the MPCA to determine if pond assessment procedures and schedule is warranted for this situation. If warranted, the city will develop procedures within 12 months of the date permit coverage is extended and then monitor in years 2 through 5.*

*F.8. There are no city employees outside of the city council and city clerk. Training programs are not applicable.*

10. Provide the name or the position title of the individual(s) who is responsible for implementing and/or coordinating this MCM:

*City Clerk*

## VI. Compliance Schedule for an Approved Total Maximum Daily Load (TMDL) with an Applicable Waste Load Allocation (WLA) (Part II.D.6.)

- A. Do you have an approved TMDL with a Waste Load Allocation (WLA) prior to the effective date of the Permit? ☐ Yes ☒ No

1. If **no**, continue to section VII.
2. If **yes**, fill out and attach the MS4 Permit TMDL Attachment Spreadsheet with the following naming convention: *MS4NameHere\_TMDL*.

This form is found on the MPCA MS4 website: <http://www.pca.state.mn.us/ms4>.

## VII. Alum or Ferric Chloride Phosphorus Treatment Systems (Part II.D.7.)

- A. Do you own and/or operate any Alum or Ferric Chloride Phosphorus Treatment Systems which are regulated by this Permit (Part III.F.)? ☐ Yes ☒ No

1. If **no**, this section requires no further information.
2. If **yes**, you own and/or operate an Alum or Ferric Chloride Phosphorus Treatment System within your small MS4, then you must submit the Alum or Ferric Chloride Phosphorus Treatment Systems Form supplement to this document, with the following naming convention: *MS4NameHere\_TreatmentSystem*.

This form is found on the MPCA MS4 website: <http://www.pca.state.mn.us/ms4>.

## VIII. Add any Additional Comments to Describe Your Program

*The City of Birchwood is a residential community with limit potential for new growth. Future land disturbances within the city are likely to be the result of re-development or single lot improvements. The City Code and city policies are written to meet the unique circumstances of the city. Current city programs of street sweeping, storm sewer structure cleaning, and leaf vacuuming have been effective in limiting the potential for pollutants to reach White Bear Lake. The city will continue to partner with the City of White Bear Lake and the Rice Creek Watershed District for permitting and implementing stormwater management requirements.*

**ORDINANCE NO. 202.100 (repealing current 202.100 and adopting the following)**

**AN ORDINANCE RELATING TO  
ILLICIT DISCHARGE DETECTION AND ELIMINATION**

**THE BIRCHWOOD VILLAGE CITY COUNCIL HEREBY ORDAINS AS FOLLOWS:**

**202.100. PURPOSE AND OBJECTIVES.** The purpose of this Ordinance is to provide for the health, safety and general welfare of the citizens of Birchwood Village through the regulation of non-stormwater discharges to the storm drainage system to the maximum extent practicable as required by the State and Federal Law. This Ordinance establishes methods for controlling the introduction of pollutants into the municipal separate storm sewer system (MS4) in order to comply with the requirements of the National Pollutant Discharge Elimination System (NPDES) MS4 permit process.

The objectives of this Ordinance are:

**202.100.1.** To regulate the contribution of pollutants to the municipal separate storm sewer system by stormwater discharges by any user.

**202.100.1.2.** To prohibit Illicit Connections and Discharges to the municipal separate storm sewer system.

**202.100.1.3.** To establish legal authority to carry out all inspection, surveillance, and monitoring procedures necessary to ensure compliance with this ordinance.

**202.100.2. DEFINITIONS.** For the purpose of this ordinance, the following terms shall have the following meanings:

**202.100.2.1. Authorized Enforcement Agency:** employees or designees of Birchwood Village or the Minnesota Pollution Control Agency (MPCA) as designated to enforce this Ordinance.

**202.100.2.2. Best Management Practices (BMP's):** Schedule of activities, prohibitions of practices, general good housekeeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly into stormwater, receiving waters, or stormwater conveyance systems. Best Management Practices also include treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.

**202.100.2.3. Clean Water Act:** The Federal Water Pollution Control Act (33 U.S.C., 1251 et seq.), and any subsequent amendments thereto.

**202.100.2.4. Construction Activity:** Activities subject to NPDES Construction Permits. These include construction projects resulting in land disturbance of one acre or more and projects that disturb less than one acre if they are part of a larger common plan of development. Such activities include but are not limited to clearing and grubbing, grading, excavating, and demolition.

**202.100.2.5. Hazardous Materials:** Any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment, when improperly treated, stored, transported, disposed of, or otherwise managed.

**202.100.2.6. Illicit Connections:** An illicit connection is defined as either of the following: Any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter a storm drain system including, but not limited to, any conveyances which allow any non-stormwater discharge including sewage, process wastewater, and wash water to enter the storm drain system and any connections to the storm drain system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by the City or, any drain or



conveyance connected from a commercial or industrial land use to the storm drain system which has not been documented in plans, maps, or equivalent records and approved by the City.

**202.100.2.7. MPCA:** Minnesota Pollution Control Agency

**202.100.2.8. National Pollutant Discharge Elimination System (NPDES) Stormwater Discharge Permit:** A permit issued by the Environmental Protection Agency (EPA) (or by the State of Minnesota under the authority delegated pursuant to 33 U.S.C., 1342(b)) that authorizes the discharge of pollutants to Waters of the State, whether the permit is applicable on an individual, group, or general area-wide-basis.

**202.100.2.9. Non-Stormwater Discharge:** Any discharge to the storm drain system that is not composed entirely of storm water.

**202.100.2.10. Person:** Any individual, association, organization, partnership, firm, corporation or other entity recognized by law and acting as either the owner or as the owner's agent.

**202.100.2.11. Pollutant:** Anything which causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; oil and other automotive fluids; non-hazardous liquids, solid wastes, and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; and noxious or offensive matter of any kind.

**202.100.2.12. Premises:** Any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and boulevards.

**202.100.2.13. Storm Drainage System:** Publicly-owned facilities by which stormwater is collected and/or conveyed, including but not limited to any roads with drainage systems, municipal streets, gutters, curbs, inlets, piped storm drains, pumping facilities, infiltration, retention and detention basins, natural and human-made or altered drainage channels, reservoirs, and other drainage structures.

**202.100.2.14. Storm Water:** Any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation, and resulting from such precipitation.

**202.100.2.15. Storm Water Pollution Prevention Plan (SWPPP):** A document which describes the Best Management Practices and activities to be implemented by a person or business to identify sources of pollution and contamination at a site and the actions to eliminate or reduce pollutant discharges to Stormwater, Stormwater Conveyance Systems, and/or Receiving Waters to the maximum extent practicable.

**202.100.2.16. City:** Birchwood Village

**202.100.2.17. Wastewater:** Any water or other liquid, other than uncontaminated stormwater, discharged from a property.

**202.100.2.18. Waters of the State:** All streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems, and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the State of Minnesota or any portion thereof.

**202.100.3. APPLICABILITY.** This Ordinance shall apply to all water entering the storm drain system generated on any developed or undeveloped lands unless explicitly exempted by an authorized enforcement agency.

**202.100.4. RESPONSIBILITY FOR ADMINISTRATION.** Birchwood Village shall administer, implement, and enforce the provisions of this Ordinance. Any powers granted or duties imposed upon the MPCA may be delegated in writing by the City Engineer of Birchwood Village to persons or entities acting in the beneficial interest of or in the employ of the City.

**202.100.5. ULTIMATE RESPONSIBILITY.** The standards set forth herein and promulgated pursuant to this Ordinance are minimum standards; therefore this Ordinance does not intend nor

imply that compliance by any person will ensure that there will be no contamination, pollution, nor unauthorized discharge of pollutants.

#### **202.100.6. DISCHARGE PROHIBITIONS.**

**202.100.6.1. Prohibition of Illegal Discharges.** No person shall discharge or cause to be discharged into the municipal storm drain system or Waters of the State any materials, including but not limited to pollutants or waters containing any pollutants that cause or contribute to a violation of applicable water quality standards, other than stormwater. The commencement, conduct or continuance of any illegal discharge to the storm drain system is prohibited except as described as follows:

**202.100.6.1.1.** The following discharges are exempt from discharge prohibitions established by this Ordinance: water line flushing or other potable water sources, landscape irrigation or lawn watering, diverted stream flows, rising groundwater, groundwater infiltration to storm drains, uncontaminated pumped groundwater, foundation or footing drains (not including active groundwater dewatering systems), crawl space pumps, air conditioning condensation, springs, non-commercial washing of vehicles, natural riparian habitat or wetland flows, swimming pools (if de-chlorinated-typically less than one PPM Chlorine), fire fighting activities, and any other water source not containing pollutants.

**202.100.6.1.2.** Discharges specified in writing by the MPCA as being necessary to protect the health and safety.

**202.100.6.1.3.** Dye testing is an allowable discharge, but requires a verbal notification to the City clerk 48-hours prior to the start of the test.

**202.100.6.1.4.** The prohibition shall not apply to any non-stormwater discharge permitted under the NPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the MPCA or Federal EPA, provided that the other applicable laws and regulations, and provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the storm drain system.

#### **202.100.6.2. Prohibition of Illicit Connections.**

**202.100.6.2.1.** The construction, use, maintenance or continued existence of illicit connections to the storm drain system is prohibited.

**202.100.6.2.2.** This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.

**202.100.6.2.3.** A person is considered to be in violation of this Ordinance if the person connects a line conveying sewage to the MS4, or allows such a connection to continue.

#### **202.100.7. SUSPENSION OF MS4 ACCESS.**

**202.100.7.1. Suspension due to Illicit Discharges in Emergency Situations.** Birchwood Village may, without prior notice, suspend MS4 discharge access to a person when such suspension is necessary to stop an actual or threatened discharge which presents or may present imminent and substantial danger to the environment, or to the health or welfare of persons, or to the MS4 or Waters of the State. If the violator fails to comply with a suspension order issued in an emergency, the City may take such steps as deemed necessary to prevent or minimize damage to the MS4 or the Waters of the State, or to minimize danger to persons.

**202.100.7.2. Suspension due to the Detection of Illicit Discharge.** Any person discharging to the MS4 in violation of this Ordinance may have their MS4 access terminated if such termination would abate or reduce an illicit discharge. The City will notify a violator of the proposed termination of its MS4 access.

**202.100.7.3. Restoration of Access.** A person violates this Ordinance by restoring MS4 access to a premises that had access suspended or terminated pursuant to this Section. Restoration of access may only occur with prior written approval of the City.

#### **202.100.8. MONITORING OF DISCHARGES**

**202.100.8.1. Applicability.** This section applies to all facilities that have stormwater discharges associated with industrial activity, or construction activity as defined in this Ordinance.

**202.100.8.2.** If an officer or agent of the City has been refused access to any part of the premises from which stormwater is discharged, and he/she is able to demonstrate probable cause to believe that there may be a violation of this Ordinance, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this Ordinance or any order issued hereunder, or to protect the overall public health, safety, and welfare of the community, then the City may seek issuance of a search warrant from any court of competent jurisdiction.

**202.100.9. REQUIREMENT TO PREVENT, CONTROL, AND REDUCE STORMWATER POLLUTANTS BY USE OF THE BEST MANAGEMENT PRACTICES.** Birchwood Village has adopted requirements identifying Best Management Practices for any activity, operation, or facility which may cause or contribute to pollution or contamination of stormwater, the storm drain system, or Waters of the State. The owner or operator of a commercial or industrial establishment shall provide, at their own expense, reasonable protection from accidental discharge of prohibited materials or other wastes into the municipal storm drain system or Waters of the State through the use of these structural and non-structural best management practices. Further, any person responsible for a property or premise, which is, or may be, the source of an illicit discharge, may be required to implement, at said person's expense, additional structural and non-structural best management practices to prevent the further discharge of pollutants to the municipal separate storm sewer system. Compliance with all terms and conditions of a valid NPDES permit authorizing the discharge of stormwater associated with industrial activity, to the extent practicable, shall be deemed compliant with the provisions of this section. These best management practices shall be part of a stormwater pollution prevention plan (SWPPP) as necessary for compliance with these requirements of the NPDES permit.

**202.100.10. WATERCOURSE PROTECTION.** Every person owning property through which a watercourse passes, or such person's lessee, shall keep and maintain that part of the watercourse within the property free of trash, debris, excessive vegetation, and other obstacles that would pollute, contaminate, or significantly retard the flow of water through the watercourse. In addition, the owner or lessee shall maintain existing privately owned structures within or adjacent to a watercourse, so that such structures will not become a hazard to the use, function, or physical integrity of the watercourse.

**202.100.11. NOTIFICATION OF SPILLS.** Notwithstanding any other requirements of law, as soon as any person responsible for a property has information of any known or suspected release of materials which are resulting or may result in illegal discharges or pollutants discharging into stormwater, the storm drain system, or Waters of the State, said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such a release. In the event of such a release of hazardous materials said person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. An owner or lessee is responsible for the residential property they own or occupy. For commercial and industrial property, responsible persons include an owner, but not be limited to the tenant, the operator, and an emergency response officer for the facility or operation. In the event of the release of non-hazardous materials, said person shall notify the City in person or by phone or facsimile no later than the next business day. Notifications in person or by phone shall be confirmed by written notice addressed and mailed to Birchwood Village within three business days of the phone notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years.

**202.100.12. ENFORCEMENT.**

**202.100.12.1.** Whenever Birchwood Village finds that a person has violated a prohibition or failed to meet a requirement of this Ordinance, the City may order compliance by written Notice of Violation to

the responsible person. Such a notice may require without limitation: **202.100.12.1.1.** The performance of monitoring, analyses, and reporting;

**202.100.12.1.2.** The elimination of illicit connections or discharges;

**202.100.12.1.3.** The violating discharges, practices, or operations shall cease and desist;

**202.100.12.1.4.** The abatement or remediation of stormwater pollution or contamination hazards and the restoration of any affected property; and

**202.100.12.1.5.** Payment of a fine to cover administrative and remediation costs; and

**202.100.12.1.6.** The implementation of source control or treatment best management practices; and

**202.100.12.1.7.** The deadline within which to remedy the violation.

**202.100.12.2.** If the abatement of a violation and/or restoration of affected property is required, the notice shall set forth a deadline within which such remediation or restoration must be completed. Said notice shall further advise that, should the violator fail to remediate or restore within the established deadline, the work will be done by a designated governmental agency or a contractor and the expense thereof shall be charged to the violator.

**202.100.13. APPEAL OF NOTICE OF VIOLATION.** Any person receiving a Notice of Violation may appeal the determination of the City. The notice of appeal must be received by the City within 15 days from the date of the Notice of Violation. The appeal shall be heard by the City Council within 30 days from the date of the receipt of the notice to appeal. The decision of the Board of Supervisors shall be final.

**202.100.14. ENFORCEMENT MEASURES AFTER APPEAL.** If the violation has not been corrected pursuant to the requirements set forth in the Notice of Violation, or, in the event of an appeal, within the deadline extended by the decision of the City Council, then representatives of the City shall enter upon the subject private property and are authorized to take any and all measures necessary to abate the violation and/or restore the property. It shall be declared unlawful for any person, owner, agent, or person in possession of any premises to refuse to allow the City or designated contractor to enter upon the premises for the purposes set forth above.

**202.100.15. COST OF ABATEMENT OF THE VIOLATION.** Within 30 days after the abatement of the violation, the owner of the property will be notified of the cost of the abatement, including administrative costs and a 25% surcharge, and the deadline to pay the abatement costs. The property owner may file a written protest objecting to the costs and payment terms of the abatement within 15 days. The appeal shall be heard by the City Council within 30 days from the date of the receipt of the notice of appeal. If the amount due is not paid within a timely manner as determined by the decision of the City Council after hearing the appeal, the charges will be filed with Washington County and shall become a special assessment against the property and shall constitute a lien on the property for the amount of the assessment.

**202.100.16. INJUNCTIVE RELIEF.** The provisions of this Ordinance are intended to prevent the occurrence of events which would likely create immediate and irreparable harm to public facilities and the public health if they occurred. If a person has violated or continues to violate the provisions of this Ordinance, the authorized enforcement agency may petition for a preliminary or permanent injunction restraining the person from activities which would create further violations or compelling the person to perform abatement or remediation of the violation.

**202.100.17. COMPENSATORY ACTION.** In lieu of enforcement proceedings, penalties, and remedies authorized by this Ordinance, the authorized enforcement agency may impose upon violator alternative compensatory actions, such as storm drain stenciling, attendance at compliance workshops, lake and/or creek cleanup, etc.

**202.100.18. VIOLATIONS DEEMED A PUBLIC NUISANCE.** In addition to the enforcement processes and penalties provided, any condition caused or permitted to exist in violation of any of the provisions of this Ordinance is a threat to public health, safety, and welfare, and is declared and

deemed a nuisance and may be summarily abated or restored at the violator's expense, and/or a civil action to abate, enjoin, or otherwise compel the cessation of such nuisance may be taken.

**202.100.19. CRIMINAL PROSECUTION.** Any person that violates this Ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof, may be subject to the maximum fine and imprisonment allowed by State law. Each day on which such violation exists or continues, shall constitute a separate offense punishable to the maximum extent of the law. The authorized enforcement agency may recover all attorney's fees, court costs, and other expenses associated with the enforcement of this Ordinance, including sampling and monitoring expenses.

**202.100.20. REMEDIES NOT EXCLUSIVE.** The remedies listed in this Ordinance are not exclusive of any other remedies available under any applicable Federal, State, or Local law and it is within the discretion of the authorized enforcement agency to seek cumulative remedies.

**202.100.21. SEVERABILITY.** The provisions of this ordinance are hereby declared to be severable. If any provision, clause, sentence, or paragraph of this Ordinance or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not effect the other provisions or application of this ordinance.

**202.100.22. EFFECTIVE DATE.** This Ordinance shall take effect and be in full force from and after its passage and publication.

Passed by the City Council of Birchwood Village, Washington County, Minnesota, this \_\_\_\_ day of \_\_\_\_\_, 2013.

APPROVED:

\_\_\_\_\_  
MARY WINGFIELD, Mayor Birchwood Village

ATTEST:

\_\_\_\_\_  
City Clerk

5. **EXCEPTION.** Criterion 3(a) may be waived if the applicant can demonstrate with supporting hydrologic calculations the need for an increase in discharge rate in order to provide for reasonable surface water management in the upstream area and that the downstream impacts of the increased discharge rate can be reasonably accommodated and will not exceed the existing rate at the municipal boundary.

## **RULE H: ILLICIT DISCHARGE AND CONNECTION**

1. **POLICY.** It is the policy of the Board of Managers to:
- (a) Regulate the contribution of pollutants to the District's Municipal Separate Storm Sewer System (MS4) by any user;
  - (b) Prohibit Illicit Connections and Discharges to the District's MS4;
  - (c) Carry out inspection and monitoring procedures necessary to ensure compliance with this Rule under statutory and related authority.
2. **PROHIBITION.** No person shall discharge or cause to be discharged into a public drainage system within the District any materials, including but not limited to pollutants or waters containing any pollutants that cause or contribute to a violation of applicable water quality standards, other than stormwater.
3. **EXCEPTIONS.** The commencement, conduct or continuance of any illegal discharge to the waters of the District is prohibited except as described as follows:
- (a) The following discharges are exempt from discharge prohibitions established by this rule:
    - (1) Water line flushing or other potable water sources
    - (2) Landscape irrigation or lawn watering
    - (3) Diverted stream flows
    - (4) Rising ground water
    - (5) Ground water infiltration to storm drains
    - (6) Uncontaminated pumped ground water
    - (7) Foundation and footing drains
    - (8) Firefighting activities
  - (b) Discharges specified in writing by the District, or other federal, state or local agency as being necessary to protect the public health and safety.
  - (c) Dye testing is an allowable discharge, but requires a verbal notification to the

District prior to the time of the test.

- (d) The prohibition shall not apply to any non-storm water discharge permitted under an NPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the Federal Environmental Protection Agency, provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the storm drain system.

#### **4. ILLICIT CONNECTIONS PROHIBITED**

- (a) The construction, use, maintenance or continued existence of illicit connections to the public drainage system is prohibited.
- (b) This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.
- (c) A person is considered to be in violation of this rule if the person connects a line conveying sewage to the public drainage system, or allows such a connection to continue.

### **RULE I: DRAINAGE SYSTEMS**

1. **POLICY.** It is the policy of the Board of Managers to regulate new construction, improvement or repair of drainage systems (open and tiled) for the following purposes:
  - (a) To preserve the capacities of drainage systems to accommodate future needs.
  - (b) To improve water quality and prevent localized flooding.
  - (c) To prevent the loss of drainage.
2. **REGULATION.** No drainage system may be altered, constructed, improved or repaired without first obtaining a permit from the District. The permit is in addition to any formal procedures or District approvals that may be required under Minnesota Statutes Chapter 103E or other drainage law. The Board of Managers may waive the requirement of a permit under this rule for repair to a drainage system if the applicant proposes to repair a tiled system of less than fifty feet in length, and where such repair would not alter the invert of the system.
3. **CRITERIA.** A project proposing to alter, construct, improve or repair a drainage system must:
  - (a) Comply with orders or findings issued by the District or a previous Drainage Authority.
  - (b) Comply with all Federal, State and District wetland protection rules and regulations.

## 302. ZONING CODE: REQUIREMENTS AND PERFORMANCE STANDARDS

302.010. LOT REQUIREMENTS. All lots created after the date of enactment of this ordinance must conform to the following dimensions, utilizing only that land above the ordinary high water level of any lake, pond, or wetland.

1. Minimum lot size per dwelling unit:

Lots abutting lake or wetland:	15,000 sq. ft.
--------------------------------	----------------

All other lots	12,000 sq. ft.
----------------	----------------

2. Minimum lot width at front building line and at the ordinary high water level of any lake or wetland:

Lots containing two dwelling units:	135 ft.
-------------------------------------	---------

All other lots:	80 ft.
-----------------	--------

302.015. UNDERSIZED LOTS. Any lot which was held in a single ownership of record as of January 1, 1975, and which does not meet the requirements of this Code as to area, width, or other open space may nevertheless be utilized for single-family detached dwelling purposes provided the measurements of such area, width, or open space are at least 60% of that required.

### 302.020 STRUCTURE LOCATION REQUIREMENTS

1. GENERAL REQUIREMENTS. All structures must be located so that minimum setback requirements are met or exceeded. All measurements (in feet) as set forth below shall be determined by measuring from the foundation of the appropriate structure perpendicular to the appropriate lot line.

Exceptions: Front, back, side street and other lot line setback requirements shall not apply to chimneys, flues, belt courses, sills, pilasters, lintels, ornamental features, cornices, eaves, gutters, and the like, provided they do not project more than two (2) feet into a required yard setback.

2. MINIMUM SETBACK REQUIREMENTS:



### TYPE OF STRUCTURE

<u>Lot line or Land Boundary</u>	<u>Fences</u>	<u>Driveways &amp; Walkways</u>	<u>All Other Structures</u>
Municipal Street Front, Back, and Side	20 ft.	0	40 ft.
County Road Front, Back, and Side	20 ft.	0	50 ft.
Ordinary High Water Level of Lost Lake	75 ft.	75 ft.	75 ft.
Ordinary High Water Level of White Bear Lake, Hall's Marsh, and other wetlands	50 ft.	50 ft.	50 ft.
All Other Lot Lines	0 ft.	1 ft.	10 ft.

The ordinary high water levels of three water bodies have been established to be the following:

#### ORDINARY HIGH WATER LEVELS (Feet Above Mean Sea Level)

DNR ID #82-167	White Bear Lake	924.7 (NGVD, 1929)
DNR ID #82-134	Lost Lake	925.6 (NGVD, 1929)
DNR ID #82-480W	Hall's Marsh	924.7 (NGVD, 1929)

3. ACCESSORY STRUCTURES. No accessory building or structure, unless an integral part of the principal structure shall be erected, altered, or moved to, within five (5) feet of the principal structure except fences, driveways, walkways, and decks which may be as close as actually abutting the principal structure.

#### 4. SETBACK REQUIREMENTS EXCEPTIONS.

a. Street and Highway Setbacks: If structures on adjacent lots, existing as on January 1, 1975, have lesser street or highway setbacks from those required, the minimum setback of a new structure may conform to the prevailing setback in the immediate vicinity. The City Council shall, upon recommendation of the Planning Commission, determine the necessary minimum front yard setback in such areas.

b. Dock and Pier Setbacks: Setback requirements from the ordinary high water levels shall not apply to piers and docks. Locations of piers and docks shall be controlled by applicable state and local regulations.

b. Retaining Wall Setbacks: Front, back, side street and other lot line setback requirements shall not apply to retaining walls except that the ordinary high water level setback requirements shall apply to retaining walls.

5. STRUCTURES IN WETLANDS. No structures are allowed within any wetlands.

**“AMENDED BY ORDINANCE 1997-2; August 12, 1997.”**

**“AMENDED BY ORDINANCE 2003-1; February 12, 2003.”**

302.030. HIGH WATER ELEVATIONS. All buildings shall be located such that the lowest floor surface is at a level at least three (3) feet in elevation above the highest known water level of any lake, pond, or wetland adjoining the lot. For three water bodies the high known water levels are:

**HIGHEST KNOWN WATER LEVELS (Feet Above Mean Sea Level)**

DNR ID #82-167	White Bear Lake	926.7 (NGVD, 1929)
DNR ID #82-134	Lost Lake	927.0 (NGVD, 1929)
DNR ID #82-480W	Hall's Marsh	926.7 (NGVD, 1929)

302.040. STRUCTURE REQUIREMENTS.

1. Each dwelling unit must have a floor area of at least 900 square feet.
2. The maximum square footage of a storage shed is 144 square feet. No person shall place automobiles, vans, or trucks in a storage shed.

302.045 HEIGHT RESTRICTIONS

1. Structure Height Limitation.

No structure height (as defined in subsection 3 below) shall exceed the structure height limitation specified below for each type of structure.

<b><u>Structure type</u></b>	<b><u>Structure Height Limitation</u></b>
All except unattached accessory	25 feet
Unattached accessory storage shed	12 feet
Unattached accessory garages	18 feet

2. Tallest Point Limitation

Regardless of the structure height limitations specified in subsection 1 above, which measure to an average roof level, the tallest point of a structure shall not exceed 35 feet above the grade plane (as defined in subsection 3 below). Also, the tallest point of an attached garage shall not exceed the height of the tallest point of the principal structure.

### 3. Method of Measurement

#### a. Structure Height

The structure height is the vertical distance between the grade plane and a point on the highest roof as defined by (1) the highest point of the coping of a flat roof or (2) the deck line of a mansard roof or (3) a level halfway between the highest and lowest point of a sloped roof.

#### b. Grade Plane

The grade plane is the average level of finished grade at the structure as determined by the following:

- 1) Points of grade elevation are taken at the structure foundation where grade is level to the building façade or where grade slopes down to a building façade.
- 2) Where grade slopes away from a structure and the property line is less than six feet from the structure, grade plane is the average level of the lowest points between the building and property line.
- 3) Where grade slopes away from a structure and the property line is greater than six feet from the structure, grade plane is the average level of the lowest points less than 6 feet from the structure.

Note: When more than 4 corner points are used to determine the grade plane, points should be evenly distributed along any façade.

### 4. Exceptions.

The structure height and tallest point limitations established herein shall not apply to chimneys and flues provided the footprint or horizontal area of the chimney or flue does not exceed 16 square feet and the top of the chimney or flues does not extend more than three feet above the tallest point of the structure.

**“AMENDED BY ORDINANCE 2000-1; February 8, 2000”**

**“AMENDED BY ORDINANCE 2003-1; February 12, 2003”**

### 302.050 IMPERVIOUS SURFACES.

Impervious surface coverage of lots must not exceed twenty-five (25) percent of the lot area.

### 302.055 LAND DISTURBANCE ACTIVITY STANDARDS

See Sections 301.070 and 306.030 for Conditional Use Permit for Land Disturbance Activity.

#### 1. The following are General Standards:

- a. A combination of successive Best Management Practices may be used to achieve the standards and requirements of Section 302.055. Justification for the method(s) selected shall be provided by the applicant as part of the permit application.
- b. When possible, existing natural drainage ways and vegetated soil surfaces must be used to convey, store, filter, and retain storm water runoff before discharge to public waters and wetlands.
- c. Development must be planned and conducted in a manner that will minimize the extent of disturbed areas, runoff, velocities, erosion potential, and reduce and delay runoff volumes. Disturbed areas must be stabilized and protected as soon as possible and facilities or methods used to retain sediment on the site.
- d. When development density, topographic features, and soil and vegetation conditions are not sufficient to adequately handle storm water runoff using natural features and vegetation, various types of constructed facilities such as diversions, settling basins, skimming devices, dikes, waterways, and ponds may be used. Preference must be given to designs using surface drainage, vegetation, and infiltration rather than buried pipes and man-made materials and facilities.
- e. Grading and filing shall be such that the highest practical amount of runoff water is retained on the parcel of land that is altered both during and after such alteration.
- f. Fill or excavated material must not be placed in a manner that creates an unstable slope.

#### 2. The following are Specific Standards:

- a. Land Use Standards

1. No construction or alteration of new or existing structures or land topography shall be done so as to increase the rate of storm water runoff from the parcel as compared to the runoff rate before such construction or alteration unless:

(i) The City has a storm water drainage system which will accommodate this additional water flow without increasing the overall rate at which water leaves the City or enters public waters; and/or

(ii) Adequate storm water runoff measures and facilities are constructed to retain storm water on the lot and reduce the runoff rate such that the total rate from the lot is not increased; and/or

(iii) The construction or alteration results in a substantial reduction in storm water caused soil erosion on the lot, and the quantity of silt and/or other water borne pollutants leaving the lot is reduced.

2. Fill shall be stabilized to accepted engineering standards for erosion control in accordance with recommendations of the Washington County Soil and Water Conservation District.

3. Fill shall not be placed on areas lower in elevation than the ordinary high water level of any adjacent lake, pond or wetland; nor shall the final elevation of any excavation or grading be lower than the ordinary high water level.

4. No grading or filling shall be permitted within twenty (20) feet (measured horizontally) of the ordinary high water level of any lake, pond, or wetland.

5. No filled or excavated slopes shall be greater than thirty (30) percent.

6. Placement of natural rock riprap, including associated grading of the shoreline and placement of a filter blanket, is permitted if the finished slope does not exceed three (3) feet horizontal to one (1) foot vertical, the landward extent of the riprap is within ten (10) feet of the ordinary high water level, and the height of the riprap above the ordinary high water level does not exceed three (3) feet.

b. Storm Water Control Structure Standards

1. When constructed facilities are used for storm water management, they must be designed and installed consistent with the field office technical guide of the Washington County Soil and Water Conservation Districts, Rice Creek Watershed District, and the National Urban Runoff Program (NURP).

2. New constructed storm water outfalls to public waters or wetlands must provide for filtering or settling of suspended solids and skimming of surface debris before discharge.

3. Drain Leaders. All newly constructed and reconstructed buildings with gutters and downspouts must have drain leaders routed to pervious areas wherein the runoff water can be allowed to infiltrate. The flow rate of water exiting the leaders shall be controlled so that no soil erosion occurs.

c. Requirements and Standards During Construction

1. Best Management Practices to minimize and control stormwater runoff, prevent erosion, and trap sediment shall be employed during construction in accordance with the recommendations of Washington Conservation District and/or as specified by the Minnesota Pollution Control Agency (MPCA) in its publication "Protecting Water Quality in Urban Areas."

(i) Site Dewatering. Water pumped from the site shall be treated by temporary sedimentation basins, grit chambers, sand filters, upflow chambers, hydro-cyclones, swirl concentrators or other appropriate controls. Water may not be discharged in a manner that causes erosion or flooding of the site or receiving channels or a wetland.

(ii) Waste and material disposal. All waste and unused building materials (including garbage, debris, cleaning wastes, wastewater, toxic materials and hazardous materials) shall be properly disposed of off-site and not allowed to be carried by runoff into a receiving channel, wetland, public water, or storm sewer system.

(iii) Tracking. Each site shall have graveled roads, access drives and parking areas of sufficient width and length to prevent sediment from being tracked onto public or private roadways. Any sediment reaching a public road shall be removed by street cleaning (not by flushing) at the end of each work day.

(iv) Drain inlet protection. During construction until site erosion control measures are in place, all storm drain inlets shall be protected with straw bales, silt fences, or equivalent barriers.

(v) Channeled runoff water passing through the site from adjacent areas shall be diverted around disturbed areas if practical. Otherwise, the channel shall be protected as described below. Sheetflow runoff from adjacent areas greater than ten thousand (10,000) square feet in area shall also be diverted around disturbed areas. Diverted runoff shall be conveyed in a manner that will not erode the conveyance and receiving channels.

2. No more than one-third (1/3) of the surface area of a lot shall be devoid of vegetative ground cover at any time. All Activities on the site shall be conducted in a logical sequence to minimize the area of bare soil exposed at any one time.

3. Temporary ground cover, (mulch) shall be used within 2 weeks of finish and permanent vegetative cover, sod and plantings shall be provided as soon as possible but not exceeding 1 year after the completion of finish grading.

4. During and after grading, filling, and excavating, stormwater runoff and erosion from the entire disturbed area must be controlled. Silt fences, straw bales or equivalent control systems must be placed along all sideslope and downslope sides of the site. If a channel or area of concentrated runoff passes through the site, silt fences shall be placed along the channel edges to reduce the quantity of sediment reaching the channel.

5. Any soil or dirt storage piles of material shall not be located with a downslope drainage length of less than twenty-five (25) feet from the toe of the pile to any roadway or drainage channel, public water, wetland, or lake.

All soil or dirt storage piles remaining must be stabilized by mulching, vegetative cover, tarps, or other means within seven days. Erosion from piles which will be in existence for less than seven days shall be minimized by placing straw bales or silt fence barriers around the piles.

Any soil or dirt storage piles (including those for in-street utility repair) located within or closer than twenty-five (25) feet to a roadway or drainage channel must be covered with tarps or suitable alternative control to minimize erosion at all times when not in actual use.

All soil and dirt piles not to be used in the final landscape shall be removed from the lot within thirty (30) days of being excavated. Preferably such soil and dirt should be hauled off when excavated and not piled on the lot.

6. Maintenance and inspection. The use of stormwater runoff and erosion control measures shall include Best Management Practices maintenance. The City Building Official shall inspect for compliance with this ordinance in conjunction with each construction inspection and periodically as part of the scheduled Erosion Control Maintenance Program. The City Building Official shall keep a log of inspections, deficiencies and corrective actions and shall inform the applicant of deficiencies and corrective actions required.

### 302.060. VEGETATIVE ALTERATIONS.

1. Ground cover vegetation shall be preserved insofar as is practical and reasonable in order to retard surface runoff and soil erosion, and to utilize excess nutrients. The removal of natural vegetation shall be carried out in accordance with the following criteria:

- a. Clearcutting of trees shall be prohibited, except as necessary for placing public roads and structure.
- b. Ground cover vegetation shall be restored insofar as feasible after any construction project.
- c. The removal of trees, limbs or branches, and other plants that are dead, diseased or pose safety hazards is permitted on any property.
- d. All cutting, pruning and trimming of trees must be based on sound forest management practices for individual tree species.
- e. Alterations on Shore Lots. Selective cutting of trees and underbrush shall be allowed on lots abutting lakes, ponds, or wetlands as long as sufficient cover is left to reasonably screen motor vehicles and structures when viewed from the water and existing shading of water surfaces is preserved. Natural shrubs which are removed must be replaced with other vegetation which is equally effective in retarding runoff, preventing erosion, and screening structures, vehicles, or other facilities. A protective buffer strip of natural vegetation at least 16.5 feet in width shall be maintained around all wetlands.

**"AMENDED BY ORDINANCE 1995-2; MAY 9, 1995."**

2. Nonconformity. Any use which lacks reasonable screening of development on lots abutting lakes, ponds, or wetlands, or which does not provide for adequate erosion control on any property within the City, is a nonconformity. When a development permit is sought for property with non conforming vegetative or erosion conditions, a recovery plan must be submitted by the permit applicant and approved prior to permit issuance. The recovery plan must provide for reasonable screening of shoreland development, protection of soil from erosion, surface water shading and a schedule for implementation.

#### 302.070 CITY FENCE ORDINANCE.

- 1. Zoning Permit. A Zoning Permit (see Sections 301.080.1.b and 307) shall be obtained from the City before installing or constructing any fence for any purpose. A site drawing showing the location of the fence shall be submitted with the permit application.
- 2. Notice to Neighbors. Any applicant for a Zoning Permit to construct a fence shall notify all abutting property owners at least five (5) days prior to submitting the application for a Zoning Permit.
- 3. Location. All fences shall be located entirely upon the property of the fence owner.
- 4. Height. No fence may exceed six (6) feet in height.



5. Retaining Walls. Solid walls in excess of four (4) feet high shall be prohibited unless they are part of a building.

6. Materials. Fences in excess of four (4) feet in height shall be at least thirty percent (30%) open through the entire surface area of the fence. All fences shall be constructed and maintained in a substantial manner and of material reasonably suited for the purpose for which the fence is proposed to be used. That side of the fence considered to be the face (or most attractive side of the fence) shall face toward abutting properties.

**“AMENDED BY ORDINANCE 1997-2; August 12, 1997.”**

302.080. STAIRS AND LIFTS TO LAKE OR WATER BODY - STANDARDS. A stairway or lift to enable access from land properties to White Bear Lake or pond or recreational body of water shall be constructed and maintained in compliance with the standards and requirements of Section 302.080 parts 2 and 3.

1. The applicant shall obtain a Zoning Permit before any construction takes place.
2. Standards and requirements for stairways are as follows:
  - a. Stairways may not exceed 44 inches in width.
  - b. Landings may be permitted at a minimum vertical interval of 20 feet.
  - c. Landings may not exceed 32 square feet in area.
  - d. Handrails are recommended, however they shall not unduly obstruct the view by neighboring properties.
  - e. Canopies or roofs are not permitted on stairways or landings.
  - f. Stairways shall be anchored and supported with pilings or footings.
  - g. The applicant must submit a plan for the stairway to the City of Birchwood Village showing all necessary construction data including location, design, dimensions and construction materials before construction may begin.
  - h. Steps must comply with all setback requirements except the setback from the high water mark.
3. Standards and requirements for lifts are as follows:
  - a. The primary function of a lift shall be for the transportation of persons up and down the slope.

- b. No lift may be designed and used for the transport of boats or machinery on the hill face.
- c. The applicant must provide the City of Birchwood Village with a plan showing all necessary construction data including location of the lift, design, size and dimensions before construction may begin.
- d. The lift components shall be constructed and anchored in a manner that prevents it from shifting and from causing accelerated erosion.
- e. The car of any lift may not exceed four feet by six feet.
- f. The location of the transporting device and/or power source shall be screened.

**"AMENDED BY ORDINANCE 2005-1; APRIL 12, 2005."**

### 306. ZONING CODE: CONDITIONAL USE PERMITS

306.010. PROCEDURE FOR OBTAINING CONDITIONAL USE PERMIT. Any person applying for a Conditional Use Permit (see Section 301.070 for uses requiring a permit) shall fill out and submit to the City Clerk at least fourteen (14) days prior to the Planning Commission meeting a "Conditional Use Permit form" (copies available at City Hall). A fee, to be set by the City Council, shall be paid.

306.020. CONDITIONAL USE REQUIREMENTS AND STANDARDS. Applications for Conditional Uses must include Required Information and demonstrate that the Requirements and Standards for each Conditional Use will be met. See Section 301.070 for uses requiring Conditional Use Permits.

#### 306.030. CONDITIONAL USE PERMIT FOR LAND DISTURBANCE ACTIVITY.

1. Purpose. The purpose of Section 306.030 is to control or eliminate storm water runoff, soil erosion, and sedimentation in the City and adjacent jurisdictions.
2. No permit for any land disturbance activity shall be granted until the applicant obtains all necessary approvals from the Department of Natural Resources, the Rice Creek Watershed District, the White Bear Lake Conservation District, and any Agency, Department or Government entity which has jurisdiction over the project.
3. Required Information in Application for Land Disturbance Activity
  - a. Plans: Existing, Construction, and Final Site Plans must include detail on how the applicant intends to control and minimize erosion and storm water runoff and to follow Section 302.050 IMPERVIOUS SURFACES and Section 302.055 LAND DISTURBANCE ACTIVITY STANDARDS. A combination of successive Best Management Practices may be used to achieve the standards and requirements.

Existing Site Plan: A map of existing site conditions showing the site and immediately adjacent areas, including:

1. The name and address of the applicant, date and scale of drawings, and number of sheets.
2. Location of the tract on map of the City of Birchwood Village.
3. Existing topography with a contour interval appropriate to the topography of the land, but in no case having a contour interval greater than two (2) feet. Include designation of areas that have the potential for serious erosion problems, e.g. slope of greater than twelve (12) percent.

4. A delineation of all streams, public waters, and wetlands located on and immediately adjacent to the site and any classification given to the water bodies by the Minnesota Department of Natural Resources, The Minnesota Pollution Control Agency, and/or the U.S. Army Corps of Engineers.
5. Location and dimensions of existing storm water drainage systems and natural drainage patterns on and immediately adjacent to the site with delineation of the direction rate at which storm water is conveyed from the site and identification of the receiving streams, public waters, wetland, and/or on-site locations.
6. A description of the soils of the site, including a map indicating soil types of the areas to be disturbed.
7. Location of existing vegetative cover.
8. Locations of highest known water levels of adjoining lakes, ponds, and wetlands.
9. Location and size of existing structures.

**Site Construction Plan.** A site construction plan including:

1. Locations, dimensions, and volumes of all proposed land disturbance activities including any vegetation proposed for removal.
2. Locations and dimensions of all temporary soil and construction material stockpiles.
3. Locations and dimensions of all construction site erosion control and permanent stabilization measures to meet City and State Codes both during and after the construction process.
4. Schedule of anticipated starting and ending dates of each land disturbance activity and construction site erosion control, storm water runoff control, and inspection and maintenance activity.

**Plan of Final Site Conditions.** A plan of final site conditions at the same scale as the existing site map showing the site changes including:

1. Finished grading shown at same contour interval as provided above to clearly indicate proposed changes, pre-existing topography, and final conditions.

2. A landscape plan including dimensions, locations, type, and description of all proposed landscape materials which will be on the site.
  3. A drainage plan of the developed site including final storm water drainage systems and natural drainage patterns on and immediately adjacent to the site with delineation of the direction in which storm water is conveyed from the site.
  4. The proposed size, alignment, and intended uses of all structures to be on the site.
  5. Location and sizes of all areas which will be paved or covered with other impervious material including a description of the materials used.
  6. Location of any fill or excavation on slopes greater than twelve (12) percent for review for permanent slope stability.
  7. Any other information which would help the City in reviewing the plan.
- b. Demonstration that the work will not adversely affect the water or wildlife of lakes, ponds, or wetlands into which water from the altered land will drain, or adversely affect adjacent parcels of land.
  - c. Exception: The Building Official may waive the submission of construction documents and other data if the nature of the work applied for is such that reviewing of this information is not necessary to obtain compliance with the code.

**"AMENDED BY ORDINANCE 1995-2; MAY 9, 1995."**

306.040. POOLS.

1. Definition.

In this article, "private swimming pool", means any pool, tank, depression, excavation in or above ground, or other structure which shall cause retaining of water over a greater depth than eighteen (18) inches and/or having a larger plane surface of water greater than one hundred fifty (150) square feet and which shall be designed or used for swimming, wading, or immersion purposes by individuals, used or intended to be used solely by the owner, lessee, or tenant thereof and his family and by friends invited to use it without payment of any fees.

"Private swimming pool" shall not include those structures or devices generally known as "hot tubs" or "jacuzzis". This exemption exists only if the hot tub or jacuzzi is located entirely within the owner's residence or if the hot tub or jacuzzi is located outside of the residence and is equipped with a lockable cover capable of preventing access to the hot tub or jacuzzi when it is not in use.

2. Permit.

a. It shall be unlawful for any person to construct, alter, or repair a private swimming pool within the City without first having secured the permit required pursuant to 306.010 and 306.020 therefore from the building official. An application for this permit shall be made on such form as may be furnished by the City and shall be accompanied by complete plans and specifications of the pool, including the type and location thereof with respect to the boundary lines of the land of the applicant. The applicant shall pay the fees established by resolution for such permit.

b. The building official may revoke any permit for failure to comply with this article. Before a permit is revoked, the pool owner shall have notice in writing listing and describing the instances of failure to comply with this article. The permit shall be reissued upon proper application and upon presentation of evidence that the deficiencies causing revocation have been corrected.

3. Compliance with Article. It is unlawful for any person to own or maintain a private swimming pool that does not comply with this article.

4. Modifications.

a. The Council may make modifications in this article in individual cases, upon showing of good cause, with respect to the height, nature or location of the fence or wall, gates or latches, or the necessity therefore, provided the degree of protection is not reduced thereby.

b. The Council may permit other protective devices or structures to be used so long as the degree of protection afforded by the substitute devices or structures is not less than the protection afforded by the fence, gate, and latch described in this article.

5. Required information.

a. The type and size of pool, along with evidence of compliance with generally accepted design and safety criteria for pools.

b. A site plan indicating the following: location of pool, location of house, garage, fencing, and other improvements on the lot, location of structures on all adjacent lots, location of filter unit, pump, wiring indicating the type of such

units, location of back-flush and drainage outlets, grading plan, finished elevations and final treatment (decking, landscaping, etc.) around the pool, location of existing overhead or underground wiring, utility easements, trees, and similar features and location of any water heating unit.

6. Requirements and standards for swimming pools.

a. Setback requirements: location generally, drainage generally. Pools for which a permit is required under this article shall not be located within ten (10) feet of any side or rear lot line nor within six (6) feet of any principal structure or frost footing. Pools shall not be located within any required front yard. Pools shall not be drained to the street storm sewer system unless otherwise authorized by the City.

b. Fences.

(i) All private swimming pools shall be completely surrounded by a fence or wall not less than four (4) feet in height, which shall be so constructed as not to have openings, holes or gaps larger than four (4) inches in either vertical or horizontal direction, except for doors and gates. The fence shall be of a type not readily climbed by children. A dwelling or accessory building may be used as part of such enclosure. An above-ground pool with a wall greater than four (4) feet in height does not require a fence if the wall cannot be readily climbed by children.

(ii) All gates or doors opening through such enclosure shall be equipped with self-closing and self-latching device (placed at the top of the gate or otherwise inaccessible to small children) for keeping the gate or door securely closed at all times when not in actual use and be provided with hardware for permanent locking devices, except that the door of any dwelling which forms a part of the enclosure need not be so equipped. Pool gates shall be locked when the pool is not in use.

(iii) When it is necessary to fill the pool prior to the installation of the required fencing, a temporary fence (such as snow fence) may be installed in a substantial manner; with the approval of the building official. The maximum time allowed for a temporary fence shall be thirty (30) days.

(iv) Fences must comply with all other applicable fence ordinances.

c. Outdoor pool enclosures. Outdoor pool enclosures, permanent or inflated, shall be constructed in accordance with the Minnesota State Building Code, including appendix chapter 55 (membrane structures). Enclosures shall be of a neutral color and designed to blend with the existing surroundings. The enclosure shall not exceed in height, the principal structure on the property nor shall the

enclosure be more than eighteen (18) feet high. The enclosure requires a special use permit.

d. Above-ground pools. Above-ground private swimming pools shall be protected in such a way that access ways, other than those afforded by the dwelling house or accessory buildings, shall be equipped with self-closing and self-latching gates or doors so these gates or doors are kept securely closed at all times when not in actual use.

e. Pool covers. Pool covers, whether they can be locked or not, do not alone meet the public safety requirements of this ordinance.

f. Lighting, ventilation, and electrical requirements.

(i) Where underwater lighting is used, such lights shall be spaced to provide illumination so that all portions of the pool and pool bottom may be readily seen without glare.

(ii) All electrical wiring shall conform with the National Electrical Code approved by the National Fire Protection Association and shall be approved by the National Underwriters Laboratory and the state electrical inspector, with particular reference to Article 680-20 (of the National Electrical Code).

(iii) Each underwater light shall be individually grounded by means of a screwed or bolted connection to the metal junction boxes which the branch circuit to the individual light precedes. Such junction boxes shall not be located in the pool deck.

(iv) Service drop conductors and any other open overhead wiring shall not be installed above the swimming pool or surrounding area extending ten (10) feet horizontally from the pool edge, or dividing structure, observation stands, towers, or platforms.

g. Shielding lights. Lights used to illuminate any private pool shall be so arranged and shaded as to reflect light away from adjoining premises.

h. Life-saving and emergency equipment.

All private swimming pools shall have:

(i) Life-saving equipment consisting of a least:

(a) One (1) ring buoy not more than fifteen (15) inches in diameter to which is attached a rope three-sixteenths-inch in diameter and of



a length at least equal to the greatest dimension of the swimming pool.

(b) One (1) life pole, or shepherd's crook type of pole, at least ten (10) feet long and having blunted ends, shall be provided.

(ii) Emergency flood lighting that is electrically connected to a different circuit than used by the pool.

i. Polluted water.

(i) No body of water, whether it be a natural or artificial body of water in the City, which contains sewage, waste, or other contaminating or polluting ingredients rendering the water hazardous to health shall be used for swimming or bathing by any person or persons.

(ii) Water shall not be allowed to remain in any unused or abandoned pool.

j. City water supply. There will be no cross-connection of the City water supply with any other source of water supply for the pool. The line from the City water supply to the pool shall be protected against back flow of polluted water by means of either an air gap, vacuum breaker, or other adequate device to prevent back siphonage.

k. Bacteriological quality of water. A sample of private swimming pool water shall be considered satisfactory when the total bacterial count at thirty-five (35) degrees centigrade does not exceed two hundred (200) colonies per milliliter and no organisms of the E. Coli group are present in a ten (10) milliliter portion or one hundred (100) milliliter portion as determined by the membrane filter method. If more than one (1) sample out of seven (7) collected on different dates is unsatisfactory, procedures and interpretations relating to bacteriological quality shall be done in accordance with the Standard Methods for the Examination of Water, Sewage, and Industrial Wastes, 11th edition (1960).

l. Pool Filters.

(i) Every private swimming pool shall be equipped with a recirculating system capable of filtering the entire contents of the pool in twelve (12) hours or less.

(ii) Filters shall be capable of maintaining the clarity of the water to permit the ready identification, through an eight-foot depth of water, of a disc two (2) inches in diameter which is divided into four (4) quadrants in alternate colors of red and white.

(iii) Filter capacity shall be such that it need not be cleaned more frequently than once every four (4) days under proper conditions of water and operation.

(iv) All pressure filters shall be equipped with influent and effluent pressure gauges to determine the pressure differential and frequency of cleaning. All other filters shall be equipped with at least one (1) pressure vacuum or compound gauge, as applicable, which shall be positioned in such a way as to determine the differential across the filter and the need to cleaning.

(v) All pressure filter systems shall be posted on every filter system. All valves shall be properly designated, indicating their purpose.

(vi) Operating instructions shall be posted on every filter system. All valves shall be properly designated, indicating their purpose.

(vii) When dissimilar metals are used in the construction of the filter, which may set up galvanic currents, then suitable provision shall be made to resist electrolytic corrosion.

(viii) Filters shall be so designed and installed that they can be readily disassembled and the filter elements removed.

m. Disinfection and chemical conditioning.

(i) Provision shall be made for the introduction into each private swimming pool water of accurate and controlled applications of a disinfectant in sufficient quantities to attain and maintain efficient bactericidal action while the pool is in use.

(ii) Suitable methods shall be available to maintain a pH of the pool water between 7.2 and 8.2 and to maintain an alkalinity of not less than 50 ppm.

(iii) The devices used to apply chlorine or its equivalent as a disinfectant shall be of such capacity as to maintain in all areas to the swimming pool at all times at least 0.5 ppm of free available residual chlorine or a residual level of another approved disinfectant which shall be of at least a proven equivalent disinfecting strength as 0.5 ppm of free available residual chlorine.

n. Unnecessary noise. It shall be unlawful for any person to make, continue or cause to be made or continue at any private swimming pool or family pool any loud, unnecessary, or unusual noise or any noise which annoys, disturbs, injures, or endangers the comfort, repose, health, peace, or safety of others. In the operation of a swimming pool, the use or permitting the use or operation of any

radio, receiving set, musical instrument, phonograph or other machine or device for the producing or reproducing of sound in such a manner as to disturb the peace, quiet, and comfort of the neighboring inhabitants or any time with louder volume than is necessary for convenient hearing of the person or persons who are in the swimming pool premises shall be unlawful.

o. In the case of inground pools, the necessary precautions shall be taken during construction:

(i) Avoid damage, hazard, or inconvenience to adjacent or nearby property.

(ii) Assure that proper care shall be taken in stockpiling excavated material to avoid erosion, dust or other infringements upon adjoining property.

(iii) Complete grading, filling and excavating in accordance with the provisions of section 301.070.

#### 306.050. TENNIS COURTS.

##### 1. Required Information.

a. Size and type (material used for Court, fencing, etc.).

b. Site plan showing location of court (s), location of house, garage, location of structures on all adjacent lots, grading plan, drainage provisions, finished elevations and final treatment (landscaping, retaining walls, etc.).

##### 2. Requirements and Standards.

a. Location and setback requirements per 302.020 shall be the same as for other structures including fences.

b. Provisions for grading, filling, and excavating must be adhered to (306.030).

306.060. SOLAR ENERGY SYSTEMS. Use of Solar Energy Systems is subject to the restraints imposed by the topography within the corporate limits of the City and by zoning regulations contained in this Chapter. No guarantee is hereby given that any property within the City Limits is entitled to the use of Solar Energy Systems.

##### 1. Required Information.

a. Use for which system is being installed.

- b. Description of system including type, capacity, and physical size.
- c. Site plan including locations of Solar Energy System, collector, and other structures.

2. Requirements and Standards.

- a. Reasonable care must be taken so as not to restrict the solar radiation falling on adjacent parcels of land.
- b. Engineering calculations to show system is adequate to heat dwelling if solar energy system is to serve as primary heating system.
  - (i) Evidence system is maintainable.
  - (ii) Evidence of a backup system.

306.070 HOME OCCUPATIONS. **“Repealed by Ordinance 2012-04, April 10, 2012”**

306.080. NOTIFICATION AND PROCEDURES FOR CONDITIONAL USE PERMITS

1. Notice of Conditional Use Permit application shall be mailed at least 10 days prior to the Planning Commission meeting to each owner of property within 200 feet of the property to which the Conditional Use Permit relates, and when applicable to the Department of Natural Resources. The City Clerk shall mail such notices. The City shall also give such notice as may be required by state statute.
2. The City Clerk shall refer the permit application to the Planning Commission. The Planning Commission shall consider the petition at its next regular meeting.
3. The petitioner or his/her representative shall appear before the Planning Commission at the next regularly scheduled meeting in order to answer questions concerning the proposed conditional use.
4. The Planning Commission will consider possible adverse effects of the proposed conditional use and what additional requirements may be necessary to prevent such adverse effects.
5. The Planning Commission is authorized to recommend Conditional Use Permits.
6. The recommendation by the Planning Commission is to be forwarded to the Council for action.

7. The report of the Planning Commission shall be placed on the agenda of the Council at its next regular meeting following referral from the Planning Commission. The council must take action on the application within sixty (60) days after receiving the report of the Planning Commission. If it grants the Conditional Use Permit, the Council may impose conditions it considers necessary to protect the public health, safety and welfare. Notice of final action shall be sent when applicable to the Minnesota Department of Natural Resources within ten (10) days.
8. The Council may require posting of a bond or other guarantee to insure compliance with its conditions.
9. Each Conditional Use Permit issued by the City shall be recorded with the County Recorder.
10. The City shall make a decision on a Conditional Use Permit within the time limitation of Minnesota Statutes Section 15.99.

**“Amended by Ordinance 2012-04, April 10, 2012”**

306.090 REVOCATION.

1. A violation of any condition set forth or required by the City Council in granting a Conditional Use Permit shall be a violation of this Code, and the City Council after Notification and Procedures per Section 306.090, may terminate the Conditional Use Permit.
2. A Conditional Use Permit shall become null and void one year after it was granted, unless made use of within the year, or a longer period of time if prescribed by the Council at the time the permit is issued.

**"AMENDED BY ORDINANCES 2005-1, APRIL 12, 2005, AND ORDINANCE 2012-04, APRIL 10, 2012."**

## **RULE D: EROSION AND SEDIMENT CONTROL PLANS**

1. **POLICY.** It is the policy of the Board of Managers to prevent erosion of soil into surface water systems by requiring erosion and sediment control for land-disturbing activities.
2. **REGULATION.**
  - (a) An erosion and sediment control plan must be submitted, and a permit received from the District, for:
    - (1) Surface soil disturbance or removal of vegetative cover on one acre or more of land;
    - (2) Surface soil disturbance or removal of vegetative cover on 10,000 square feet or more of land, if any part of the disturbed area is within 300 feet of and drains to a lake, stream, wetland or public drainage system; or
    - (3) Any land-disturbing activity that requires a District permit under a rule other than Rule D.
  - (b) A person disturbing surface soils or removing vegetative cover on more than 5,000 square feet of land, or stockpiling on-site more than fifty (50) cubic yards of earth or other erodible material, but not requiring a permit under the criteria of this rule, must submit a notice in advance of disturbance on a form provided by the District and conform the activity to standard best practices established by and available from the District.
  - (c) Rule D does not apply to normal farming practices that are part of an ongoing farming operation.
3. **DESIGN CRITERIA FOR EROSION CONTROL PLANS.** Erosion and Sediment Control Plans must comply with the following criteria:
  - (a) Natural project site topography and soil conditions must be specifically addressed to reduce erosion and sedimentation during construction and after project completion.
  - (b) Site erosion and sediment control practices must be consistent with the Minnesota Pollution Control Agency document "Protecting Water Quality in Urban Areas" (1994), as amended, and District-specific written design guidance and be sufficient to retain sediment on-site.
  - (c) The project must be phased to minimize disturbed areas and removal of existing vegetation, until it is necessary for project progress.
  - (d) The District may require additional erosion and sediment control measures on areas with a slope to a sensitive, impaired or special water body, stream, drainage system or wetland to assure retention of sediment on-site.
  - (e) The plan must include conditions adequate to protect facilities to be used for post-construction stormwater infiltration.

4. **REQUIRED EXHIBITS.** The following exhibits must accompany the permit application. One set, full size (22 inches by 34 inches) and one reduced (maximum size of 11 inches by 17 inches) or electronic version.
- (a) An existing and proposed topographic map which clearly indicates all hydrologic features and areas where grading will expose soils to erosive conditions. The Plan must also indicate the direction of all project site runoff.
  - (b) Tabulation of the construction implementation schedule.
  - (c) Name, address and phone number of party responsible for maintenance of all erosion and sediment control measures.
  - (d) Quantification of the total disturbed area.
  - (e) Clear identification of all temporary erosion and sediment control measures that will remain in place until permanent vegetation is established. Examples of temporary measures include, but are not limited to, seeding, mulching, sodding, silt fence, erosion control blanket, and stormwater inlet protection devices.
  - (f) Clear identification of all permanent erosion control measures such as outfall spillways and riprap shoreline protection, and their locations.
  - (g) Clear Identification of staging areas, as applicable.
  - (h) Documentation that the project applicant has applied for the NPDES Permit from the Minnesota Pollution Control Agency (MPCA), when applicable.
  - (i) A stormwater pollution prevention plan for projects that require an NPDES Permit.
  - (j) Delineation of any floodplain and/or wetland area changes.
  - (k) Other project site-specific submittal requirements as may be required by the District.
5. **CONSTRUCTION ACTIVITY REQUIREMENTS.** Any activity subject to a permit under this rule must conform to the standards of the NPDES construction general permit, as amended, regarding construction-site erosion and sediment control.
6. **INSPECTIONS.**
- (a) The permittee shall be responsible for inspection, maintenance and effectiveness of all erosion and sediment control measures until final soil stabilization is achieved or the permit is assigned (see Rule B), whichever comes first.
  - (b) The District may inspect the project site and require the permittee to provide additional erosion control measures as it determines conditions warrant.
7. **FINAL STABILIZATION.**
- (a) Erosion and sediment control measures must be maintained until final vegetation and ground cover is established to a density of 70%.
  - (b) Temporary erosion and sediment control BMPs will be removed after disturbed areas have been permanently stabilized.

## 302. ZONING CODE: REQUIREMENTS AND PERFORMANCE STANDARDS

302.010. LOT REQUIREMENTS. All lots created after the date of enactment of this ordinance must conform to the following dimensions, utilizing only that land above the ordinary high water level of any lake, pond, or wetland.

1. Minimum lot size per dwelling unit:

Lots abutting lake or wetland:	15,000 sq. ft.
--------------------------------	----------------

All other lots	12,000 sq. ft.
----------------	----------------

2. Minimum lot width at front building line and at the ordinary high water level of any lake or wetland:

Lots containing two dwelling units:	135 ft.
-------------------------------------	---------

All other lots:	80 ft.
-----------------	--------

302.015. UNDERSIZED LOTS. Any lot which was held in a single ownership of record as of January 1, 1975, and which does not meet the requirements of this Code as to area, width, or other open space may nevertheless be utilized for single-family detached dwelling purposes provided the measurements of such area, width, or open space are at least 60% of that required.

### 302.020 STRUCTURE LOCATION REQUIREMENTS

1. GENERAL REQUIREMENTS. All structures must be located so that minimum setback requirements are met or exceeded. All measurements (in feet) as set forth below shall be determined by measuring from the foundation of the appropriate structure perpendicular to the appropriate lot line.

Exceptions: Front, back, side street and other lot line setback requirements shall not apply to chimneys, flues, belt courses, sills, pilasters, lintels, ornamental features, cornices, eaves, gutters, and the like, provided they do not project more than two (2) feet into a required yard setback.

2. MINIMUM SETBACK REQUIREMENTS:



### TYPE OF STRUCTURE

<u>Lot line or Land Boundary</u>	<u>Fences</u>	<u>Driveways &amp; Walkways</u>	<u>All Other Structures</u>
Municipal Street Front, Back, and Side	20 ft.	0	40 ft.
County Road Front, Back, and Side	20 ft.	0	50 ft.
Ordinary High Water Level of Lost Lake	75 ft.	75 ft.	75 ft.
Ordinary High Water Level of White Bear Lake, Hall's Marsh, and other wetlands	50 ft.	50 ft.	50 ft.
All Other Lot Lines	0 ft.	1 ft.	10 ft.

The ordinary high water levels of three water bodies have been established to be the following:

#### ORDINARY HIGH WATER LEVELS (Feet Above Mean Sea Level)

DNR ID #82-167	White Bear Lake	924.7 (NGVD, 1929)
DNR ID #82-134	Lost Lake	925.6 (NGVD, 1929)
DNR ID #82-480W	Hall's Marsh	924.7 (NGVD, 1929)

3. ACCESSORY STRUCTURES. No accessory building or structure, unless an integral part of the principal structure shall be erected, altered, or moved to, within five (5) feet of the principal structure except fences, driveways, walkways, and decks which may be as close as actually abutting the principal structure.

#### 4. SETBACK REQUIREMENTS EXCEPTIONS.

a. Street and Highway Setbacks: If structures on adjacent lots, existing as on January 1, 1975, have lesser street or highway setbacks from those required, the minimum setback of a new structure may conform to the prevailing setback in the immediate vicinity. The City Council shall, upon recommendation of the Planning Commission, determine the necessary minimum front yard setback in such areas.

b. Dock and Pier Setbacks: Setback requirements from the ordinary high water levels shall not apply to piers and docks. Locations of piers and docks shall be controlled by applicable state and local regulations.

b. Retaining Wall Setbacks: Front, back, side street and other lot line setback requirements shall not apply to retaining walls except that the ordinary high water level setback requirements shall apply to retaining walls.

5. STRUCTURES IN WETLANDS. No structures are allowed within any wetlands.

**“AMENDED BY ORDINANCE 1997-2; August 12, 1997.”**

**“AMENDED BY ORDINANCE 2003-1; February 12, 2003.”**

302.030. HIGH WATER ELEVATIONS. All buildings shall be located such that the lowest floor surface is at a level at least three (3) feet in elevation above the highest known water level of any lake, pond, or wetland adjoining the lot. For three water bodies the high known water levels are:

**HIGHEST KNOWN WATER LEVELS (Feet Above Mean Sea Level)**

DNR ID #82-167	White Bear Lake	926.7 (NGVD, 1929)
DNR ID #82-134	Lost Lake	927.0 (NGVD, 1929)
DNR ID #82-480W	Hall's Marsh	926.7 (NGVD, 1929)

302.040. STRUCTURE REQUIREMENTS.

1. Each dwelling unit must have a floor area of at least 900 square feet.
2. The maximum square footage of a storage shed is 144 square feet. No person shall place automobiles, vans, or trucks in a storage shed.

302.045 HEIGHT RESTRICTIONS

1. Structure Height Limitation.

No structure height (as defined in subsection 3 below) shall exceed the structure height limitation specified below for each type of structure.

<b><u>Structure type</u></b>	<b><u>Structure Height Limitation</u></b>
All except unattached accessory	25 feet
Unattached accessory storage shed	12 feet
Unattached accessory garages	18 feet

2. Tallest Point Limitation

Regardless of the structure height limitations specified in subsection 1 above, which measure to an average roof level, the tallest point of a structure shall not exceed 35 feet above the grade plane (as defined in subsection 3 below). Also, the tallest point of an attached garage shall not exceed the height of the tallest point of the principal structure.

### 3. Method of Measurement

#### a. Structure Height

The structure height is the vertical distance between the grade plane and a point on the highest roof as defined by (1) the highest point of the coping of a flat roof or (2) the deck line of a mansard roof or (3) a level halfway between the highest and lowest point of a sloped roof.

#### b. Grade Plane

The grade plane is the average level of finished grade at the structure as determined by the following:

- 1) Points of grade elevation are taken at the structure foundation where grade is level to the building façade or where grade slopes down to a building façade.
- 2) Where grade slopes away from a structure and the property line is less than six feet from the structure, grade plane is the average level of the lowest points between the building and property line.
- 3) Where grade slopes away from a structure and the property line is greater than six feet from the structure, grade plane is the average level of the lowest points less than 6 feet from the structure.

Note: When more than 4 corner points are used to determine the grade plane, points should be evenly distributed along any façade.

### 4. Exceptions.

The structure height and tallest point limitations established herein shall not apply to chimneys and flues provided the footprint or horizontal area of the chimney or flue does not exceed 16 square feet and the top of the chimney or flues does not extend more than three feet above the tallest point of the structure.

**“AMENDED BY ORDINANCE 2000-1; February 8, 2000”**

**“AMENDED BY ORDINANCE 2003-1; February 12, 2003”**

### 302.050 IMPERVIOUS SURFACES.

Impervious surface coverage of lots must not exceed twenty-five (25) percent of the lot area.

### 302.055 LAND DISTURBANCE ACTIVITY STANDARDS

See Sections 301.070 and 306.030 for Conditional Use Permit for Land Disturbance Activity.

#### 1. The following are General Standards:

- a. A combination of successive Best Management Practices may be used to achieve the standards and requirements of Section 302.055. Justification for the method(s) selected shall be provided by the applicant as part of the permit application.
- b. When possible, existing natural drainage ways and vegetated soil surfaces must be used to convey, store, filter, and retain storm water runoff before discharge to public waters and wetlands.
- c. Development must be planned and conducted in a manner that will minimize the extent of disturbed areas, runoff, velocities, erosion potential, and reduce and delay runoff volumes. Disturbed areas must be stabilized and protected as soon as possible and facilities or methods used to retain sediment on the site.
- d. When development density, topographic features, and soil and vegetation conditions are not sufficient to adequately handle storm water runoff using natural features and vegetation, various types of constructed facilities such as diversions, settling basins, skimming devices, dikes, waterways, and ponds may be used. Preference must be given to designs using surface drainage, vegetation, and infiltration rather than buried pipes and man-made materials and facilities.
- e. Grading and filing shall be such that the highest practical amount of runoff water is retained on the parcel of land that is altered both during and after such alteration.
- f. Fill or excavated material must not be placed in a manner that creates an unstable slope.

#### 2. The following are Specific Standards:

- a. Land Use Standards

1. No construction or alteration of new or existing structures or land topography shall be done so as to increase the rate of storm water runoff from the parcel as compared to the runoff rate before such construction or alteration unless:

(i) The City has a storm water drainage system which will accommodate this additional water flow without increasing the overall rate at which water leaves the City or enters public waters; and/or

(ii) Adequate storm water runoff measures and facilities are constructed to retain storm water on the lot and reduce the runoff rate such that the total rate from the lot is not increased; and/or

(iii) The construction or alteration results in a substantial reduction in storm water caused soil erosion on the lot, and the quantity of silt and/or other water borne pollutants leaving the lot is reduced.

2. Fill shall be stabilized to accepted engineering standards for erosion control in accordance with recommendations of the Washington County Soil and Water Conservation District.

3. Fill shall not be placed on areas lower in elevation than the ordinary high water level of any adjacent lake, pond or wetland; nor shall the final elevation of any excavation or grading be lower than the ordinary high water level.

4. No grading or filling shall be permitted within twenty (20) feet (measured horizontally) of the ordinary high water level of any lake, pond, or wetland.

5. No filled or excavated slopes shall be greater than thirty (30) percent.

6. Placement of natural rock riprap, including associated grading of the shoreline and placement of a filter blanket, is permitted if the finished slope does not exceed three (3) feet horizontal to one (1) foot vertical, the landward extent of the riprap is within ten (10) feet of the ordinary high water level, and the height of the riprap above the ordinary high water level does not exceed three (3) feet.

b. Storm Water Control Structure Standards

1. When constructed facilities are used for storm water management, they must be designed and installed consistent with the field office technical guide of the Washington County Soil and Water Conservation Districts, Rice Creek Watershed District, and the National Urban Runoff Program (NURP).

2. New constructed storm water outfalls to public waters or wetlands must provide for filtering or settling of suspended solids and skimming of surface debris before discharge.

3. Drain Leaders. All newly constructed and reconstructed buildings with gutters and downspouts must have drain leaders routed to pervious areas wherein the runoff water can be allowed to infiltrate. The flow rate of water exiting the leaders shall be controlled so that no soil erosion occurs.

c. Requirements and Standards During Construction

1. Best Management Practices to minimize and control stormwater runoff, prevent erosion, and trap sediment shall be employed during construction in accordance with the recommendations of Washington Conservation District and/or as specified by the Minnesota Pollution Control Agency (MPCA) in its publication "Protecting Water Quality in Urban Areas."

(i) Site Dewatering. Water pumped from the site shall be treated by temporary sedimentation basins, grit chambers, sand filters, upflow chambers, hydro-cyclones, swirl concentrators or other appropriate controls. Water may not be discharged in a manner that causes erosion or flooding of the site or receiving channels or a wetland.

(ii) Waste and material disposal. All waste and unused building materials (including garbage, debris, cleaning wastes, wastewater, toxic materials and hazardous materials) shall be properly disposed of off-site and not allowed to be carried by runoff into a receiving channel, wetland, public water, or storm sewer system.

(iii) Tracking. Each site shall have graveled roads, access drives and parking areas of sufficient width and length to prevent sediment from being tracked onto public or private roadways. Any sediment reaching a public road shall be removed by street cleaning (not by flushing) at the end of each work day.

(iv) Drain inlet protection. During construction until site erosion control measures are in place, all storm drain inlets shall be protected with straw bales, silt fences, or equivalent barriers.

(v) Channeled runoff water passing through the site from adjacent areas shall be diverted around disturbed areas if practical. Otherwise, the channel shall be protected as described below. Sheetflow runoff from adjacent areas greater than ten thousand (10,000) square feet in area shall also be diverted around disturbed areas. Diverted runoff shall be conveyed in a manner that will not erode the conveyance and receiving channels.

2. No more than one-third (1/3) of the surface area of a lot shall be devoid of vegetative ground cover at any time. All Activities on the site shall be conducted in a logical sequence to minimize the area of bare soil exposed at any one time.

3. Temporary ground cover, (mulch) shall be used within 2 weeks of finish and permanent vegetative cover, sod and plantings shall be provided as soon as possible but not exceeding 1 year after the completion of finish grading.

4. During and after grading, filling, and excavating, stormwater runoff and erosion from the entire disturbed area must be controlled. Silt fences, straw bales or equivalent control systems must be placed along all sideslope and downslope sides of the site. If a channel or area of concentrated runoff passes through the site, silt fences shall be placed along the channel edges to reduce the quantity of sediment reaching the channel.

5. Any soil or dirt storage piles of material shall not be located with a downslope drainage length of less than twenty-five (25) feet from the toe of the pile to any roadway or drainage channel, public water, wetland, or lake.

All soil or dirt storage piles remaining must be stabilized by mulching, vegetative cover, tarps, or other means within seven days. Erosion from piles which will be in existence for less than seven days shall be minimized by placing straw bales or silt fence barriers around the piles.

Any soil or dirt storage piles (including those for in-street utility repair) located within or closer than twenty-five (25) feet to a roadway or drainage channel must be covered with tarps or suitable alternative control to minimize erosion at all times when not in actual use.

All soil and dirt piles not to be used in the final landscape shall be removed from the lot within thirty (30) days of being excavated. Preferably such soil and dirt should be hauled off when excavated and not piled on the lot.

6. Maintenance and inspection. The use of stormwater runoff and erosion control measures shall include Best Management Practices maintenance. The City Building Official shall inspect for compliance with this ordinance in conjunction with each construction inspection and periodically as part of the scheduled Erosion Control Maintenance Program. The City Building Official shall keep a log of inspections, deficiencies and corrective actions and shall inform the applicant of deficiencies and corrective actions required.

### 302.060. VEGETATIVE ALTERATIONS.

1. Ground cover vegetation shall be preserved insofar as is practical and reasonable in order to retard surface runoff and soil erosion, and to utilize excess nutrients. The removal of natural vegetation shall be carried out in accordance with the following criteria:

- a. Clearcutting of trees shall be prohibited, except as necessary for placing public roads and structure.
- b. Ground cover vegetation shall be restored insofar as feasible after any construction project.
- c. The removal of trees, limbs or branches, and other plants that are dead, diseased or pose safety hazards is permitted on any property.
- d. All cutting, pruning and trimming of trees must be based on sound forest management practices for individual tree species.
- e. Alterations on Shore Lots. Selective cutting of trees and underbrush shall be allowed on lots abutting lakes, ponds, or wetlands as long as sufficient cover is left to reasonably screen motor vehicles and structures when viewed from the water and existing shading of water surfaces is preserved. Natural shrubs which are removed must be replaced with other vegetation which is equally effective in retarding runoff, preventing erosion, and screening structures, vehicles, or other facilities. A protective buffer strip of natural vegetation at least 16.5 feet in width shall be maintained around all wetlands.

**"AMENDED BY ORDINANCE 1995-2; MAY 9, 1995."**

2. Nonconformity. Any use which lacks reasonable screening of development on lots abutting lakes, ponds, or wetlands, or which does not provide for adequate erosion control on any property within the City, is a nonconformity. When a development permit is sought for property with non conforming vegetative or erosion conditions, a recovery plan must be submitted by the permit applicant and approved prior to permit issuance. The recovery plan must provide for reasonable screening of shoreland development, protection of soil from erosion, surface water shading and a schedule for implementation.

#### 302.070 CITY FENCE ORDINANCE.

- 1. Zoning Permit. A Zoning Permit (see Sections 301.080.1.b and 307) shall be obtained from the City before installing or constructing any fence for any purpose. A site drawing showing the location of the fence shall be submitted with the permit application.
- 2. Notice to Neighbors. Any applicant for a Zoning Permit to construct a fence shall notify all abutting property owners at least five (5) days prior to submitting the application for a Zoning Permit.
- 3. Location. All fences shall be located entirely upon the property of the fence owner.
- 4. Height. No fence may exceed six (6) feet in height.



5. Retaining Walls. Solid walls in excess of four (4) feet high shall be prohibited unless they are part of a building.

6. Materials. Fences in excess of four (4) feet in height shall be at least thirty percent (30%) open through the entire surface area of the fence. All fences shall be constructed and maintained in a substantial manner and of material reasonably suited for the purpose for which the fence is proposed to be used. That side of the fence considered to be the face (or most attractive side of the fence) shall face toward abutting properties.

**“AMENDED BY ORDINANCE 1997-2; August 12, 1997.”**

302.080. STAIRS AND LIFTS TO LAKE OR WATER BODY - STANDARDS. A stairway or lift to enable access from land properties to White Bear Lake or pond or recreational body of water shall be constructed and maintained in compliance with the standards and requirements of Section 302.080 parts 2 and 3.

1. The applicant shall obtain a Zoning Permit before any construction takes place.
2. Standards and requirements for stairways are as follows:
  - a. Stairways may not exceed 44 inches in width.
  - b. Landings may be permitted at a minimum vertical interval of 20 feet.
  - c. Landings may not exceed 32 square feet in area.
  - d. Handrails are recommended, however they shall not unduly obstruct the view by neighboring properties.
  - e. Canopies or roofs are not permitted on stairways or landings.
  - f. Stairways shall be anchored and supported with pilings or footings.
  - g. The applicant must submit a plan for the stairway to the City of Birchwood Village showing all necessary construction data including location, design, dimensions and construction materials before construction may begin.
  - h. Steps must comply with all setback requirements except the setback from the high water mark.
3. Standards and requirements for lifts are as follows:
  - a. The primary function of a lift shall be for the transportation of persons up and down the slope.

- b. No lift may be designed and used for the transport of boats or machinery on the hill face.
- c. The applicant must provide the City of Birchwood Village with a plan showing all necessary construction data including location of the lift, design, size and dimensions before construction may begin.
- d. The lift components shall be constructed and anchored in a manner that prevents it from shifting and from causing accelerated erosion.
- e. The car of any lift may not exceed four feet by six feet.
- f. The location of the transporting device and/or power source shall be screened.

**"AMENDED BY ORDINANCE 2005-1; APRIL 12, 2005."**

## **RULE C: STORMWATER MANAGEMENT PLANS**

1. **POLICY.** It is the policy of the Board of Managers to manage stormwater and snowmelt runoff on a local, regional and watershed basis; to promote natural infiltration of runoff throughout the District to preserve flood storage and enhance water quality; and to address the unique nature of flooding issues within the Flood Management Zone, through the following principles:
  - (a) Maximize water quality and flood control on individual project sites through Better Site Design practices and stormwater management.
  - (b) Minimize land use impacts and improve operational and maintenance efficiency by siting stormwater BMPs, when needed, regionally unless local resources would be adversely affected.
  - (c) Treat stormwater runoff before discharge to surface waterbodies and wetlands, while considering the historic use of District water features.
  - (d) Ensure that future peak rates of runoff are less than or equal to existing rates.
  - (e) Reduce the existing conditions peak rate of discharge along Lower Rice Creek and the rate of discharge and volume of runoff reaching Long Lake, to preserve the remaining floodplain storage volume within Long Lake and mitigate the historic loss of floodplain storage.
  - (f) Preserve remaining floodplain storage volume within the Rice Creek Watershed to minimize flood potential throughout the District.
2. **REGULATION.** A permit incorporating an approved stormwater management plan is required under this rule for development, consistent with the following:
  - (a) A permit is required for development, except Public Linear Projects, that creates or reconstructs 10,000 square feet or more of impervious surface. This threshold is cumulative of all impervious surface created or reconstructed through multiple phases or connected actions of a single complete project, as defined by the District, on a single parcel or contiguous parcels of land under common ownership, development or use.
  - (b) For Public Linear Projects, a permit is required to create or reconstruct 10,000 square feet or more of impervious surface through multiple phases or connected actions of a single complete project, as defined by the District, within a Resource of Concern Drainage Area.
  - (c) A permit is not required for development on an individual lot within a residential subdivision if it conforms to a development plan approved by the District. Rule C, section 13, states terms for use of regional facilities in a non-residential subdivision.
  - (d) Rule C requirements do not apply to sidewalks and trails 10 feet wide or less that are bordered down-gradient by vegetated open space or vegetated filter strip with a minimum width of 5 feet.

(e) Rule C requirements do not apply to Bridge Spans and Mill & Overlay projects.

3. **STORMWATER MANAGEMENT REQUIRED.** A stormwater management plan shall be submitted with the permit application for a project equaling or exceeding the threshold of Section 2. The stormwater management plan shall fully address the design and function of the project proposal and the effects of altering the landscape relative to the direction, rate of discharge, volume of discharge and timing of runoff.

4. **MODELING REQUIREMENTS FOR STORMWATER MANAGEMENT PLANS.**

- (a) A hydrograph method or computer program based on NRCS Technical Release #20 (TR-20) and subsequent guidance must be used to analyze stormwater runoff for the design or analysis of discharge and water levels within and off the project site. The runoff from pervious and impervious areas within the model shall be modeled separately.
- (b) In determining Curve Numbers for the post-development condition, the Hydrologic Soil Group (HSG) of areas within construction limits shall be shifted down one classification for HSG B (Curve Number 74) and ½ classification for HSG A (Curve Number 49) to account for the impacts of grading on soil structure unless the project specifications incorporate soil amendments in accordance with District Soil Amendment Guidelines. This requirement only applies to that part of a site that has not been disturbed or compacted prior to the proposed project.
- (c) The analysis of flood levels, storage volumes, and discharge rates for waterbodies and stormwater management basins must include the NOAA Technical Paper #40 (TP-40) values, as amended, for the 2 year, 10 year and 100 year return period, 24-hour rainfall events and the 10-day snowmelt event (Curve Number 100), in order to identify the critical duration flood event. The District Engineer may require analysis of additional precipitation durations to determine the critical duration flood event. Analysis of the 10-day snowmelt event is not required for stormwater management detention basins with a defined outlet elevation at or below the 100 year return period, 24-hour rainfall event elevation.

5. **STORMWATER MANAGEMENT PLAN FRAMEWORK.**

- (a) When an existing regional BMP is proposed to manage stormwater runoff, the applicant shall show that the BMP was designed and constructed to manage the stormwater runoff from the project site, the applicant has permission to utilize any remaining capacity in the BMP, the BMP is subject to maintenance obligations enforceable by the District, and it is being maintained to its original design.
- (b) A combination of Stormwater BMPs may be used to meet the requirements of section(s) 6, 7, and 8.
- (c) A local surface water management plan or ordinance of the local land use authority may contain standards or requirements more restrictive than these rules. The stormwater management plan must conform to the local surface water management plan or ordinance of the local land use authority.

- (d) The proposed project must not adversely affect off-site water levels or resources supported by local recharge, or increase the potential for off-site flooding, during or after construction.
- (e) A landlocked basin may be provided an outlet only if it:
  - (1) Conforms with District Rule F, as applicable.
  - (2) Provides sufficient dead storage volume to retain the runoff resulting from back-to-back 100-year, 24-hour rainfall events.
  - (3) Does not create adverse downstream flooding or water quality conditions as a result of the change in the rate, volume or timing of runoff or a change in drainage patterns.
- (f) A municipality or public road authority may prepare a comprehensive stormwater management plan setting forth an alternative means of meeting the standards of sections 6 and 7 within a defined subwatershed. Once approved by the District and subject to any stated conditions, the plan will apply in place of those sections.

## 6. WATER QUALITY TREATMENT.

- (a) Development creating or reconstructing impervious surface shall apply Better Site Design (BSD) techniques as outlined in Chapter 4 of the MPCA Minnesota Stormwater Manual. A BSD guidance document and checklist is available on the District's website.
- (b) Sediment shall be managed on-site to the maximum extent practicable before runoff resulting from new or reconstructed impervious surface enters the off-site drainage system.

### (c) WATER QUALITY TREATMENT STANDARD.

- (1) The required water quality treatment volume standard for all projects, except Public Linear Projects, is determined as follows:

$$\text{Required Water Quality Treatment Volume (ft}^3\text{)} = \text{Area of New or Reconstructed Impervious Surface (ft}^2\text{)} \times 1.1 \text{ (in)} \div \text{TP Removal Factor from Table C1} \div 12 \text{ (in/ft)}$$

- (2) The required water quality treatment volume standard for Public Linear Projects is determined as follows:

$$\text{Required Water Quality Treatment Volume (ft}^3\text{)} = \text{Area of New or Reconstructed Impervious Surface (ft}^2\text{)} \times 0.75 \text{ (in)} \div 12 \text{ (in/ft)}$$

- (3) For alternative Stormwater BMPs not found in Table C1 or to deviate from TP Removal Factors found in Table C1, the applicant may submit a TP Removal Factor, expressed as annual percentage removal efficiency, based on supporting technical data, for District approval.
- (4) Stormwater runoff treated by the BMP during a rain event will not be credited towards the treatment requirement.

**TABLE C1. TP REMOVAL FACTORS FOR PROPERLY DESIGNED BMPs.**

BMP	BMP Design Variation	TP Removal Factor *
Infiltration **	Infiltration Feature	1.00
Water Reuse **	Irrigation	1.00
Biofiltration	Underdrain	0.65
Filtration	Sand or Rock Filter	0.50
Stormwater Wetlands	Shallow Wetland	0.40
	Pond/Wetland	0.55
Stormwater Ponds ***	Wet Pond	0.50
	Multiple Pond	0.60

Source: Adapted from Table 7.4 from the Minnesota Stormwater Manual, MPCA.

\* Refer to MPCA Stormwater Manual for additional information on BMP performance.

Removal factors shown are average annual TP percentage removal efficiencies intended solely for use in comparing the performance equivalence of various BMPs.

\*\* These BMPs reduce runoff volume.

\*\*\* Stormwater ponds must also provide 2.5" of dead storage as required by Section 9(d)(2).

**(d) BMP LOCATIONAL SITING.**

- (1) BMPs shall be located either on-site to treat runoff at the point of generation, or regionally within the Resource of Concern Drainage Area.
- (2) BMPs must provide infiltration where feasible. If the District concurs that infiltration BMPs are not feasible or directs that infiltration not be used (see Table C2), then any BMP may be chosen. If infiltration is feasible on-site, then a regionally sited BMP must provide equivalent runoff volume reduction.
- (3) Off-site and/or regional BMPs must be sited in the following priority order:
  - (i) In a downstream location that intercepts the runoff volume leaving the project site prior to the Resource of Concern.
  - (ii) Anywhere within the same Resource of Concern Drainage Area (see Figures C1A-C1E) that results in no greater mass of Total Phosphorus reaching the resource of concern than on-site BMPs.

**TABLE C2. SPECIFIC CONDITIONS THAT MAY RESTRICT INFILTRATION.**

Type	Specific Project Site Conditions	Required Submittals
Potential Contamination	Potential Stormwater Hotspots (PSH)	PSH Locations and Flow Paths
	Contaminated Soils	Documentation of Contamination Soil Borings
Physical Limitations	Low Permeability Soils (HSG C & D)	Soil Borings
	Bedrock within three vertical feet of bottom of infiltration area	Soil Borings
	Seasonal High Water Table within three vertical feet of bottom of infiltration area	Soil Borings High Water Table
	Karst Areas	Soil Borings
Land Use Limitations	Utility Locations	Site Map
	Nearby Wells (Private and/or Municipal) *	Well Locations

\* Refer to Minnesota Stormwater Manual or the Minnesota Department of Health for setback requirements.

- (e) Stormwater runoff from new or reconstructed impervious surface untreated for total phosphorus must be minimized, and for such runoff TSS must be removed to the maximum extent practicable. For projects other than Public Linear projects, no more than 15% of the new or reconstructed impervious surface may be left untreated. Notwithstanding, runoff from undisturbed impervious surface may be treated in lieu of treating new or reconstructed impervious surface. Total water quality treatment volume for the project must be provided in aggregate pursuant to subsections 6(c) and 6(d).
- (f) Banked “volume control” credits and debits established by public entities for Public Linear Projects with the RCWD prior to the effective date of this rule will continue to be recognized and enforced until all credits are used or all debits are fulfilled. Existing credits and debits may be used and fulfilled, respectively, anywhere within the applicant’s jurisdiction.

## **7. PEAK STORMWATER RUNOFF CONTROL.**

- (a) Peak stormwater runoff rates for the proposed project at the project site boundary, in aggregate, must not exceed existing peak runoff rates for the 2-year, 10-year and 100-year, 24-hour rainfall events, or a different critical event duration at the discretion of the District Engineer. Notwithstanding, peak runoff may be controlled to this standard in a regional facility consistent with paragraph 7(b). Aggregate compliance for all site boundary discharge will be determined with respect to runoff not managed in a regional facility.

- (b) Any increase in a critical duration flood event rate at a specific point of discharge from the project site must be limited and cause no adverse downstream impact. Table C3 shows the maximum curve numbers that may be utilized for existing condition modeling of those project site areas not covered by impervious surface.
- (c) Within the Flood Management Zone only (see Figure C2), the applicant shall provide peak rate control beyond the existing condition peak rate of runoff by reducing the peak rate to  $\leq 80\%$  of the existing condition. This requirement does not apply if runoff from the 100-year, 24-hour precipitation event will be retained on-site or if the project is a Public Linear Project.

**TABLE C3. CURVE NUMBERS FOR EXISTING CONDITION PERVIOUS AREAS.**

Hydrologic Soil Group	Runoff Curve Number *
A	39
B	61
C	74
D	80

\* Curve numbers from NRCS Technical Release #55 (TR-55).

**TABLE C4. HYDROPERIOD STANDARDS.**

Wetland Susceptibility Class	Permitted Storm Bounce for 2-Year and 10-Year Event *	Inundation Period for 2-Year Event *	Inundation Period for 10-Year Event *
Highly susceptible	Existing	Existing	Existing
Moderately susceptible	Existing plus 0.5 ft	Existing plus 1 day	Existing plus 7 days
Slightly susceptible	Existing plus 1.0 ft	Existing plus 2 days	Existing plus 14 days
Least susceptible	No limit	Existing plus 7 days	Existing plus 21 days

Source: Adapted from: Stormwater and Wetlands Planning and Evaluation Guidelines for Addressing Potential Impacts of Urban Stormwater and Snowmelt Runoff on Wetlands.

\* Duration of 24-hours for the return periods utilizing NOAA Technical Paper #40 (TP-40).

## **8. BOUNCE AND INUNDATION PERIOD.**

- (a) The project must meet the hydroperiod standards found in Table C4 with respect to all down-gradient wetlands.
- (b) Wetland Susceptibility Class is determined based on wetland type, as follows:
  - (1) Highly susceptible wetland types include: sedge meadows, bogs, coniferous bogs, open bogs, calcareous fens, low prairies, coniferous swamps, lowland hardwood forests, and seasonally flooded waterbasins.
  - (2) Moderately susceptible wetland types include: shrub-carrs, alder thickets, fresh (wet) meadows, and shallow & deep marshes.



- (3) Slightly susceptible wetland types include: floodplain forests and fresh wet meadows or shallow marshes dominated by cattail giant reed, reed canary grass or purple loosestrife.
- (4) Least susceptible wetland includes severely degraded wetlands. Examples of this condition include cultivated hydric soils, dredge/fill disposal sites and some gravel pits.

## 9. DESIGN CRITERIA.

### (a) Infiltration BMPs must be designed to provide:

- (1) Adequate pretreatment measures to remove sediment before runoff enters the primary infiltration area;
- (2) Drawdown within 48-hours or 72-hours from the end of a storm event, for surface or sub-surface features, respectively. Soil infiltration rates shall be based on the appropriate HSG classification and associated infiltration rates (see Table C5). The least permeable layer of the soil boring column must be utilized in BMP calculations (see Design Criteria (e)). Alternate infiltration rates based on a recommendation and certified measurement testing from a licensed geotechnical engineer or licensed soil scientist will be considered. Infiltration area will be limited to horizontal areas subject to prolonged wetting;
- (3) A minimum of three feet of separation from the Seasonal High Water Table.
- (4) Consideration of the Minnesota Department of Health guidance document Evaluating Proposed Stormwater Infiltration Projects in Vulnerable Wellhead Protection Areas. Documentation shall be submitted to support implementation of this guidance document and will be accepted at the discretion of the District Engineer.

### (b) Water Reuse BMPs must be designed to provide:

- (1) A maximum irrigation rate of 1-inch per week over the irrigated lawn/turf grass area(s), or as approved by the District;
- (2) No greater than a 26 week (April 15<sup>th</sup> to October 15<sup>th</sup>) growing season; and
- (3) No increase in stormwater runoff from the irrigated area or project site.

The amount of water quality treatment volume credit given will be based upon the three year average of the volume irrigated, determined by the average of three years of monitoring records;

### (c) Biofiltration/filtration BMPs must be designed to provide:

- (1) Adequate pretreatment measures to remove sediment before runoff enters the primary biofiltration area;

- (2) Drawdown within 48-hours or 72-hours from the end of a storm event, for surface or sub-surface features, respectively;
- (3) A minimum of 12-inches of organic material or sand above the rock trench or drintile system; and
- (4) Drain tile system must be designed above the Seasonal High Water Table.

**TABLE C5. SOIL TYPE AND INFILTRATION RATES.**

Hydrologic Soil Group	Soil Textures	Corresponding Unified Soil Classification		Infiltration Rate (in/hr)
<b>A</b>	Gravel Sand Sandy Gravel Silty Gravel Loamy Sand Sandy Loam	<b>GW</b>	Well-graded gravel or well-graded gravel with sand	<b>1.6</b>
		<b>GP</b>	Poorly graded gravel or poorly graded gravel with sand	
		<b>GM</b>	Silty gravel or silty gravel with sand	<b>0.8</b>
		<b>SW</b>	Well-graded sand or well-graded sand with gravel	
		<b>SP</b>	Poorly graded sand or poorly graded sand with gravel	
<b>B</b>	Loam Silty Loam	<b>SM</b>	Silty sand or silty sand with gravel	<b>0.6</b>
		<b>ML</b>	Silt	<b>0.3</b>
		<b>OL</b>	Organic silt or organic silt with sand or gravel or gravelly organic silt	
<b>C</b>	Sandy Clay Loam	<b>GC</b>	Clayey gravel or clayey gravel with sand	<b>0.2</b>
		<b>SC</b>	Clayey sand or clayey sand with gravel	
<b>D</b>	Clay Clay Loam Silty Clay Loam Sandy Clay Silty Clay	<b>CL</b>	Lean clay or lean clay with sand or gravel or gravelly lean clay	<b>&lt; 0.2</b>
		<b>CH</b>	Fat clay or fat clay with sand or gravel or gravelly fat clay	
		<b>OH</b>	Organic clay or organic clay with sand or gravel or gravelly organic clay	
		<b>MH</b>	Elastic silt or elastic silt with sand or gravel	

Source: Adapted from Table 12.BIO.8 from the Minnesota Stormwater Manual, MPCA.

- (d) Stormwater ponds must be designed to provide:
  - (1) Water quality features consistent with NURP criteria and accepted design standards for average and maximum depth;

- (2) A permanent wet pool with dead storage at least equal to the runoff volume from a 2.5-inch rainfall over the area tributary to the pond;
  - (3) An outlet structure capable of preventing migration of floating debris and oils for at least the one-year storm;
  - (4) An identified emergency overflow spillway sufficiently stabilized to convey flows for the 100-year critical storm event; and
  - (5) An outlet structure to control the 2-year, 10-year & 100-year frequency events.
- (e) Soil borings (utilizing ASTM D5921 and D5879, as amended) shall be considered for design purposes, and provided to the District, for each proposed BMP. The soil borings must be taken to a depth of at least 5 feet below the bottom of the proposed feature.
  - (f) An outfall structure discharging directly to a wetland, public water or public water wetland must incorporate a stilling-basin, surge-basin, energy dissipater, placement of ungrouted natural rock riprap or other feature to minimize disturbance and erosion of natural shoreline and bed resulting from stormwater discharges. Where feasible, outfall structures are to be located outside of the natural feature.

**TABLE C6. LOW FLOOR AND LOW ENTRY FREEBOARD REQUIREMENTS.**

Freeboard	Regional Flood Elevations		Detention Basins, Wetlands & Stormwater Ponds		Infiltration and Biofiltration Basins			Rain Gardens *
	100-yr	EOF	100-yr	EOF	Bottom	100-yr	EOF	EOF
<b>Low Floor</b>	2.0 ft	1.0 ft	0.0 ft	NA	0.0 ft	NA	NA	NA
<b>Low Entry</b>	NA	NA	2.0 ft	1.0 ft	NA	2.0 ft	1.0 ft	0.5 ft

\* Rain gardens are “off-line” infiltration or bio-filtration basins.

- (g) All new residential, commercial, industrial and other habitable or non-habitable structures, and all stormwater BMPs, must be constructed so that the lowest floor and lowest entry elevations comply with Table C6.

The low entry freeboard criterion of Rule C.9(f) may be deemed met when the structure does not have the required vertical separation, but is protected from surface flooding to the required elevation by a berm or other natural or constructed topographic feature capable of providing flood protection.

Within a landlocked basin, minimum low floor elevations must be at least one foot above the surveyed basin run out elevation. Where a structure is proposed below the run out elevation of a land-locked basin, the low floor elevation will be a minimum of two feet above the highest water level of either the 10-day snowmelt event or back-to-back 100-year, 24-hour rainfalls. Aerial photos, vegetation, soils,

and topography may be used to derive a "normal" water elevation for the purpose of computing the basin's 100-year elevation.

- (h) All stormwater management structures and facilities must be designed for maintenance access and be properly operated and maintained in perpetuity to assure that they continue to function as designed. The maintenance responsibility must be memorialized in a document executed by the property owner in a form acceptable to the District and filed for record on the deed. Alternatively, a public permittee may meet its perpetual maintenance obligation by executing a programmatic or project-specific maintenance agreement with the District. Regional ponds owned by public entities that are only used to meet the rate control requirements of the District rule do not need a maintenance agreement with the District.
- (i) Before work under the permit is deemed complete, the permittee must submit as-built plans demonstrating that at the time of final stabilization, stormwater facilities conform to design specifications.

#### **10. EASEMENTS.**

- (a) Before permit issuance, the permittee must, submit a copy of any plat or easement required by the local land use authority establishing drainage or flowage over stormwater management facilities, stormwater conveyances, ponds, wetlands, on-site floodplain up to the 100-year flood elevation, or any other hydrologic feature.
- (b) Before permit issuance, the permittee must convey to the District an easement over the public drainage system specifying a District right of maintenance access over the following minimum widths:
  - (1) For tiled/piped systems, 66 feet wide perpendicular to the direction of flow, centered on the tile line or pipe;
  - (2) For open channel systems, a variable width perpendicular to the direction of flow, to include the open channel itself and all areas within 16.5 feet from the top of the ditch bank.
- (c) Public Linear Projects are exempt from the public drainage system easement requirement of Section 10(b).
- (d) For projects within the District's Comprehensive Wetland Protection and Management Plan (CWMP) areas, the Wetland Management Corridor (WMC) boundary delineation, buffer and easement requirements found at Rule F.6 apply. As stated in Rule F.5(e), Public Linear Projects are not subject to the requirements of Rule F.6.

#### **11. REQUIRED EXHIBITS.** The following exhibits must accompany the permit application. One set, full size (22 inches by 34 inches) and one reduced (maximum size of 11 inches by 17 inches) or electronic version.

- (a) An erosion & sediment control plan and, for projects that require an NPDES permit, a Storm Water Pollution Prevention Plan.

- (b) Property lines and delineation of lands under ownership of the applicant.
- (c) Delineation of the subwatershed contributing runoff from off-site, proposed and existing subwatersheds onsite, emergency overflows, and drainageways.
- (d) Geotechnical analysis including soil borings at all proposed stormwater management facility locations utilizing ASTM D5921 and D5879, as amended.
- (e) Proposed and existing stormwater facilities' location, alignment and elevation.
- (f) Delineation of existing on-site wetland, marshes and floodplain areas.
- (g) Identification of existing and proposed normal, ordinary high and 100-year water elevations on-site.
- (h) Identification of existing and proposed contour elevations within the project site related to NGVD, NAVD 88.
- (i) Construction plans and specifications of all proposed stormwater management facilities, including design details for outlet control structures.
- (j) Stormwater runoff volume and rate analyses for the 2- 10- and 100-year critical events, existing and proposed conditions utilizing NOAA Technical Paper #40 (TP-40) as amended.
- (k) All hydrologic, water quality and hydraulic computations completed to design the proposed stormwater management facilities.
- (l) Narrative including a project description, discussion of BMP selection, and revegetation plan for the project site.
- (m) Other project site-specific submittal requirements as may be required by the District.

## **12. EXCEPTIONS.**

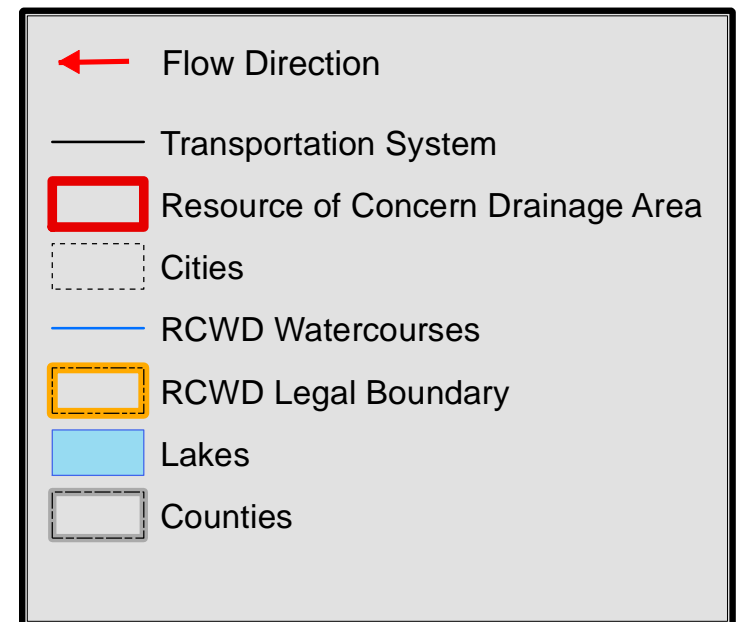
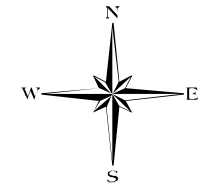
- (a) Rate control criteria of Section 7 may be waived if the project site discharges directly to a water body with large storage capacity (such as a public water), the volume discharged from the project site does not contribute to a downstream flood peak, and there are no downstream locations susceptible to flooding.
- (b) Section 6 and Section 7 are waived for a portion of a project that paves a gravel roadway if the right-of-way ditch is maintained and does not discharge a concentrated flow directly to a wetland or another sensitive water body.

## **13. EXTENDED PERMIT TERM AND REGIONAL FACILITIES FOR NON-RESIDENTIAL PHASED DEVELOPMENT.**

- (a) The District will not apply an intervening rule change so as to deny a parcel water quality, abstraction and peak flow capacity in regional facilities allocated to it in a District – issued area development permit, provided that:

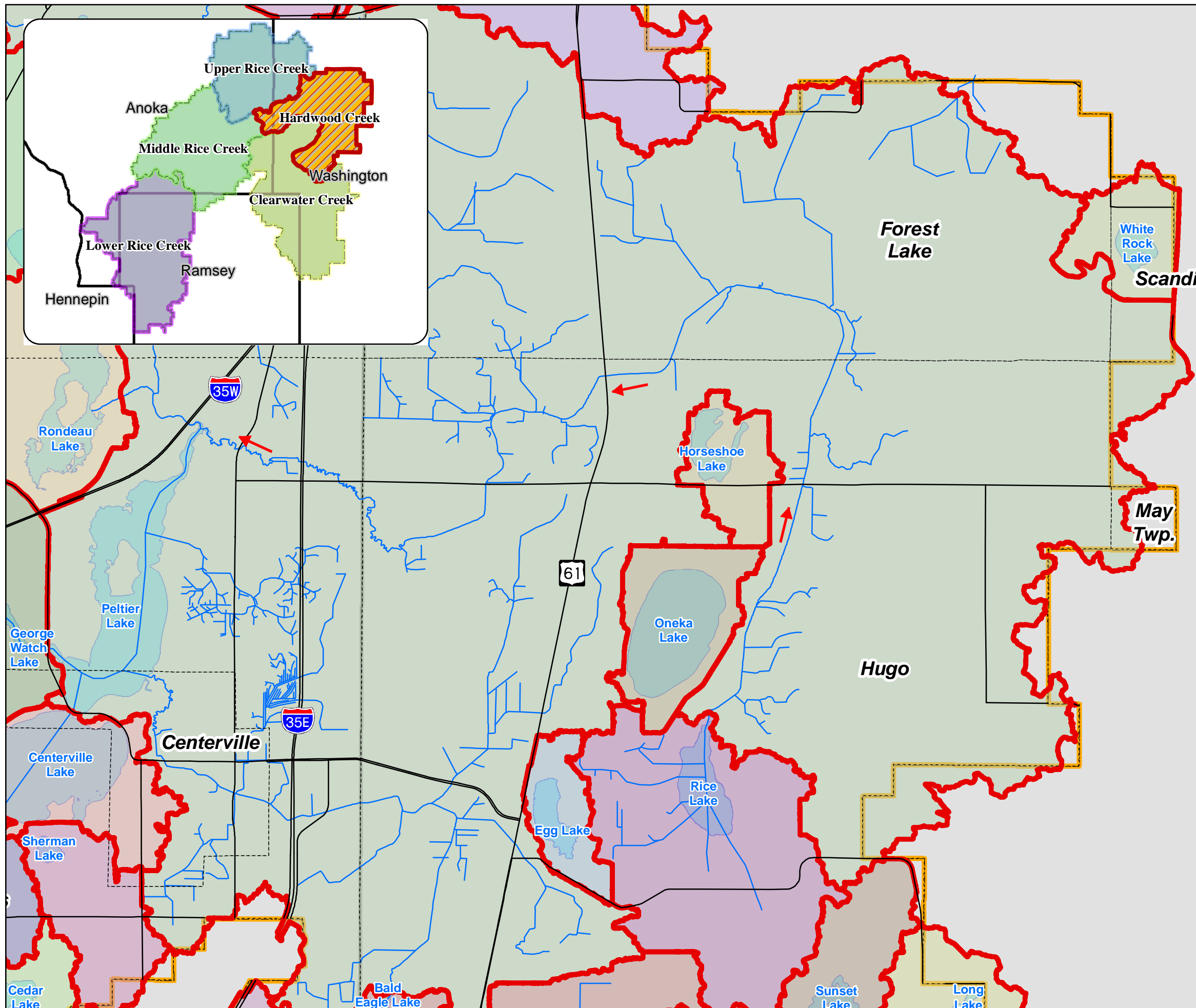
- (1) the District permit provided for construction of those facilities to serve identified multiple parcels within the area development; and,
  - (2) the stormwater management facilities have been constructed in accordance with the permit.
- (b) Subsection (a) will not apply if, on the basis of new knowledge or information, the District makes written findings that use of the regional facilities would have a material adverse impact on a water quality, flood management or other specific public interest.
- (c) Unless the area development permit explicitly states otherwise, development on an individual parcel will require a permit in accordance with District rules at the time of parcel development. Except as stated in subsection (a), parcel development will be subject to standards in effect at the time of permitting. As a result, a permittee may be required to provide for stormwater management in addition to that provided by the regional facilities.
- (d) Subsection (a) will apply only to parcel development permits issued within 10 years of the area development permit issuance date.
- (e) For subsection (a) to apply, an applicant must demonstrate that the owner of the regional facilities assents to applicant's proposed use; the facilities are subject to a legal maintenance obligation in favor of the District; and facility maintenance conforms to the terms of that obligation.
- (f) In its judgment, the District may issue a permit for phased development on a single parcel or contiguous parcels under common ownership with a permit term of up to 10 years, for which period the development will not be subject to an intervening rule change. Any phased development permit with an extended term must state the design criteria to which subsequent development under the permit must conform in order to receive the protection of this paragraph.
- (g) This section applies to area development permits issued before the section's effective date. If a phased development permit is in effect as of this section's effective date, on application the District will extend the permit expiration date in accordance with subsection (f), above. For such prior-issued permits, the requirement that the permit state design criteria is relaxed. However, the applicant bears the burden to submit all data necessary to demonstrate that the criteria of this section are met, including the design and constructed capacity of the facilities and the allocation of that capacity to applicant's parcel.
- (h) If a phased development permit was issued less than 10 years before the effective date of this section but expired before that date, applications for subsequent development phases will be considered in the same manner as applications for parcel development under this section.

# Rice Creek Watershed District

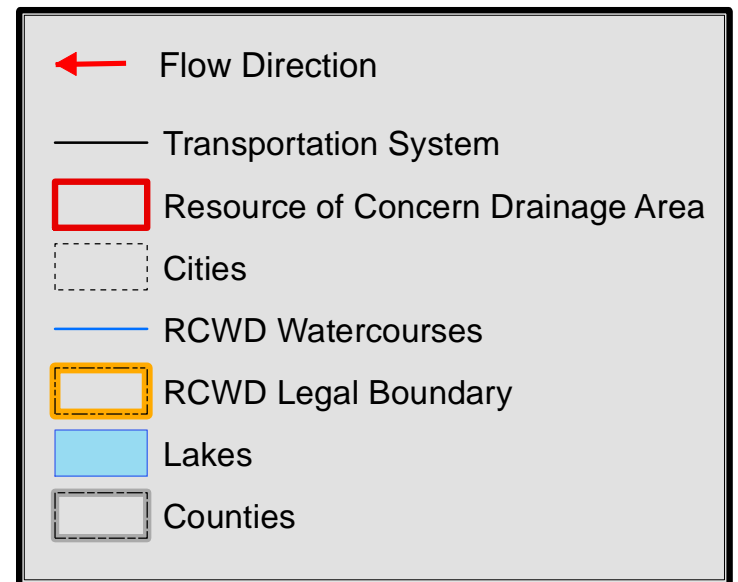
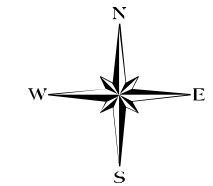


Sources: RCWD, TLG, MN DOT

**C1A: Resources of Concern  
Drainage Area of Hardwood Creek**

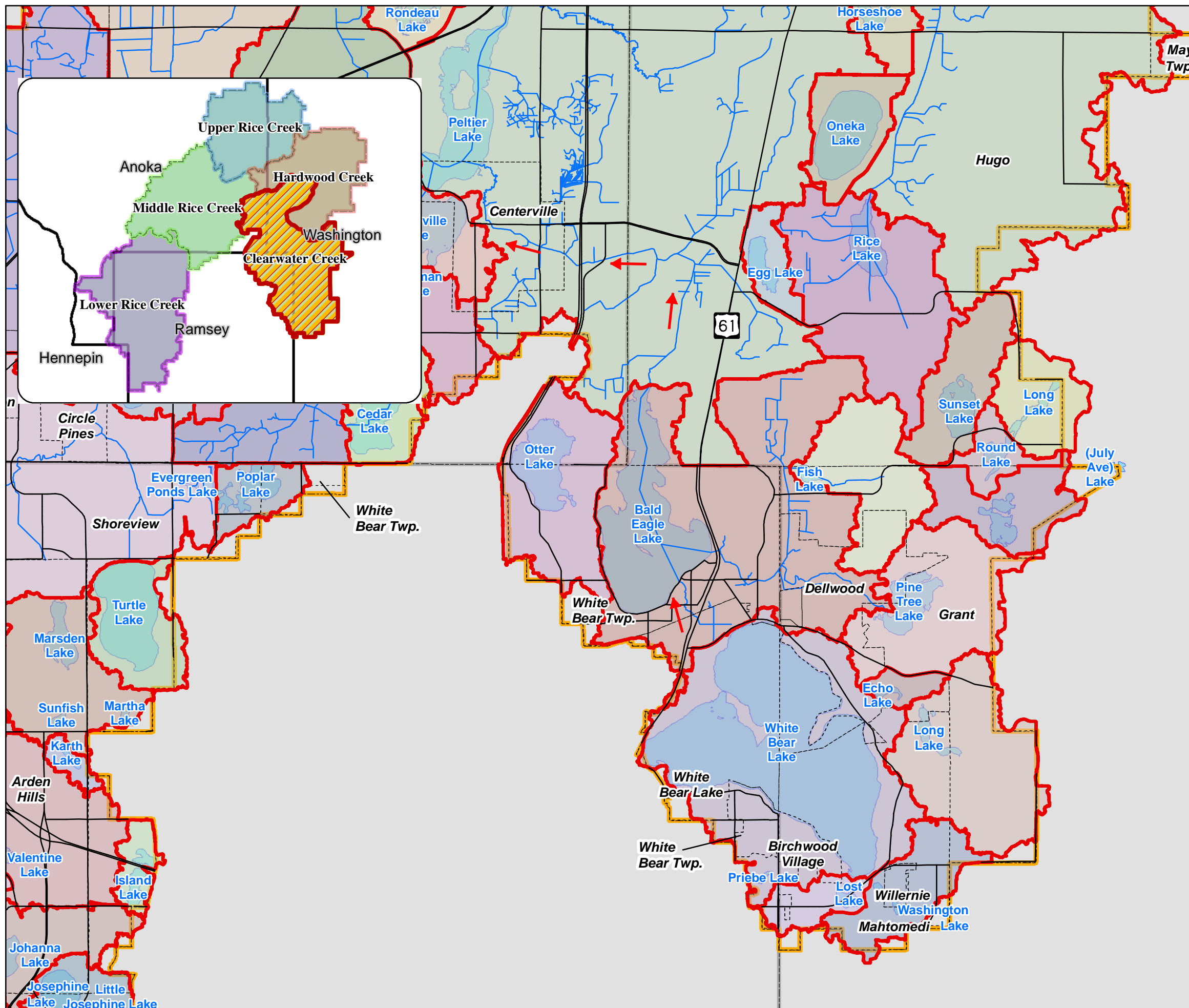


# Rice Creek Watershed District



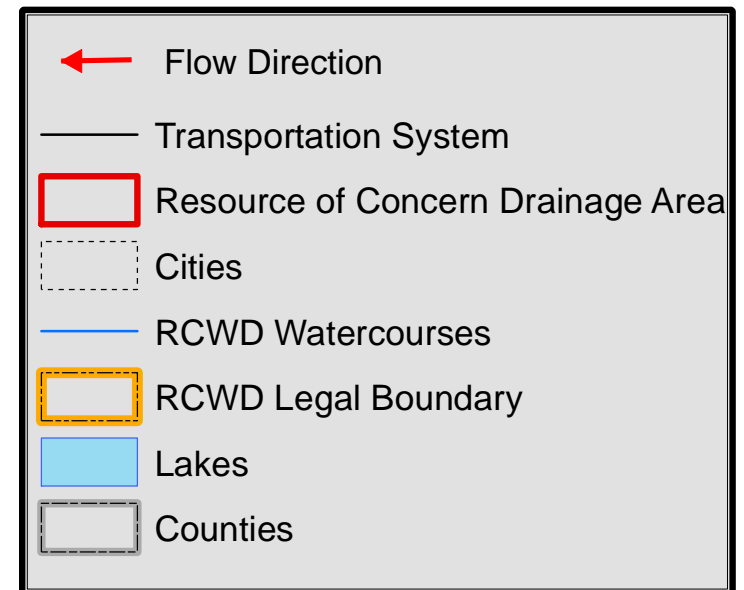
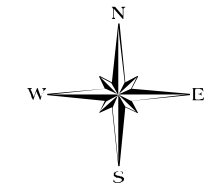
Sources: RCWD, TLG, MN DOT

**C1B: Resources of Concern  
Drainage Area of Clearwater Creek**



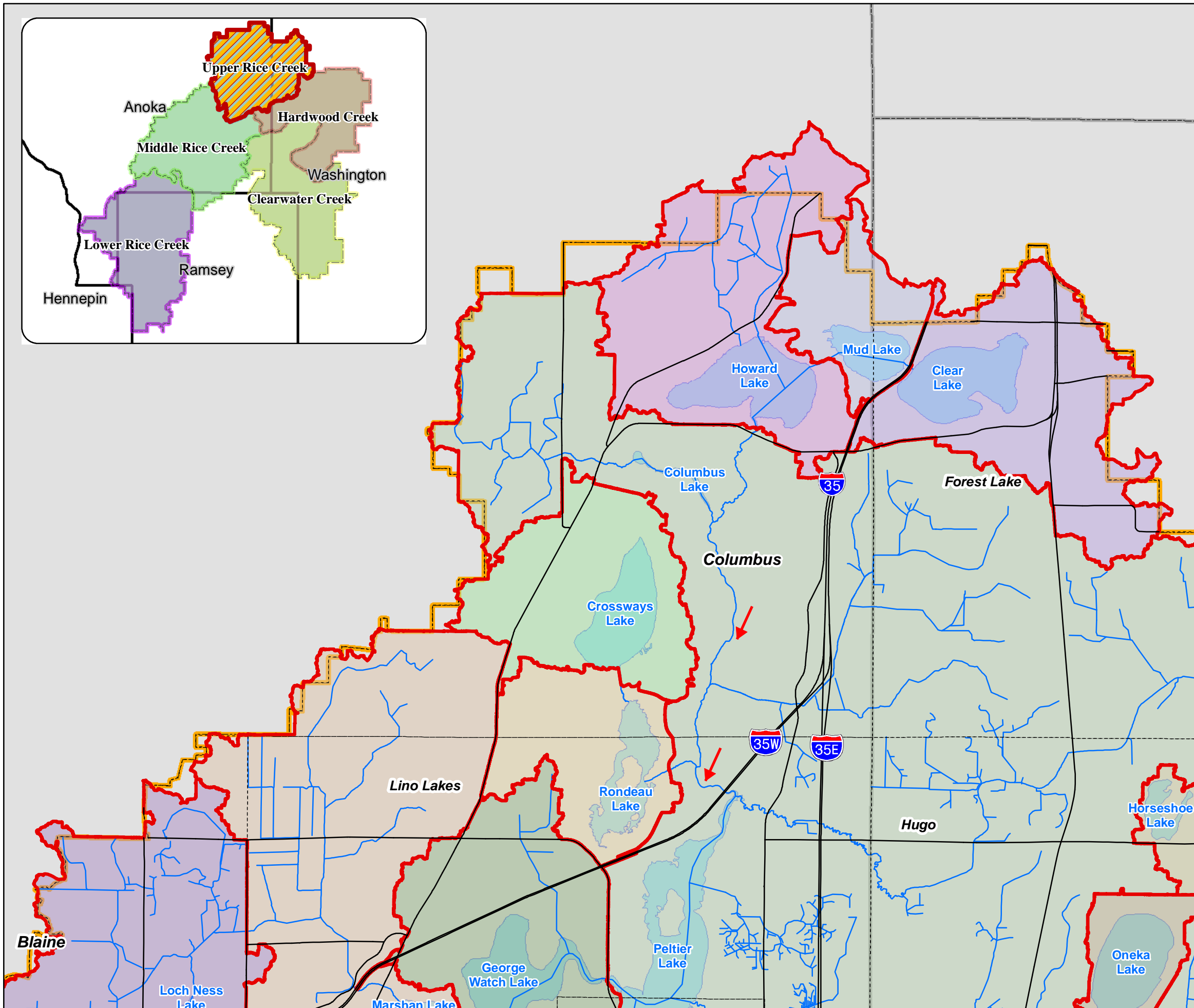


# Rice Creek Watershed District

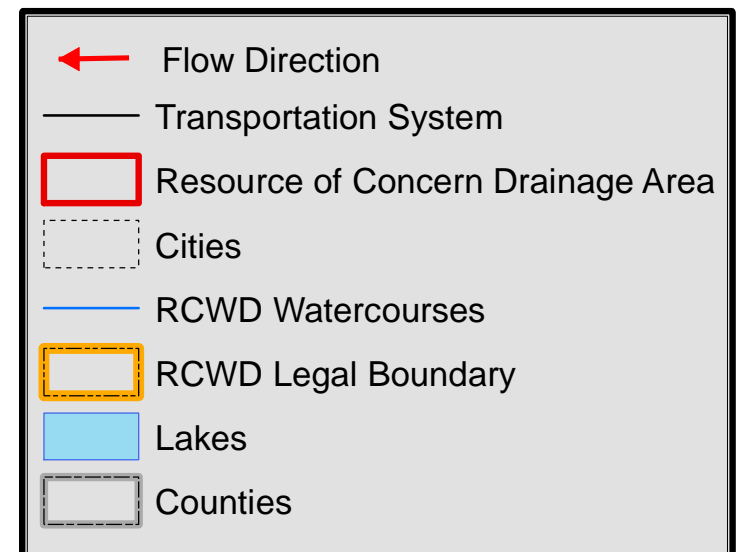
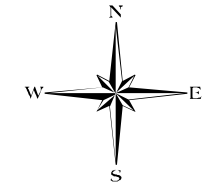


Sources: RCWD, TLG, MN DOT

**C1C: Resources of Concern  
Drainage Area of Upper Rice Creek**

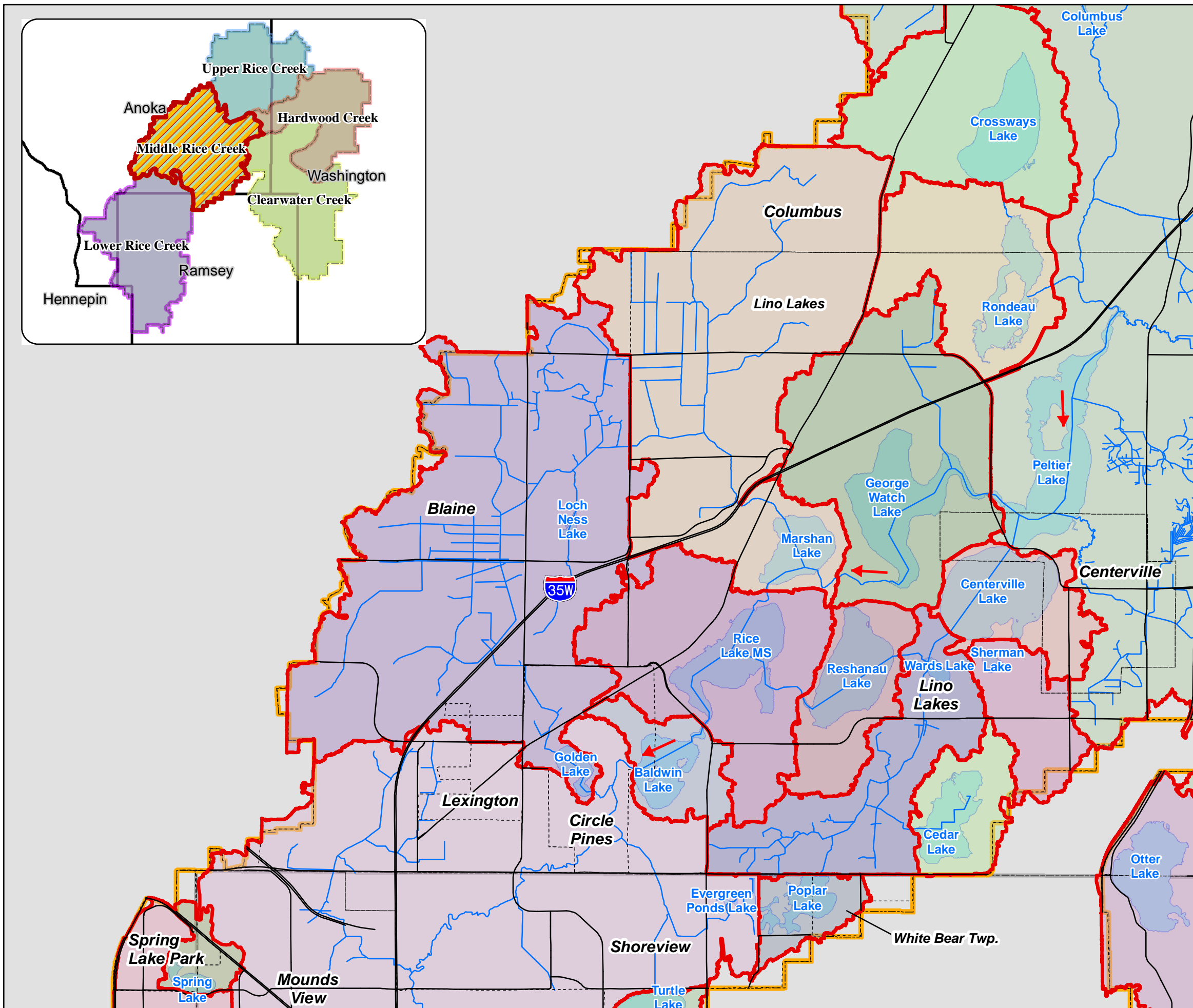


# Rice Creek Watershed District

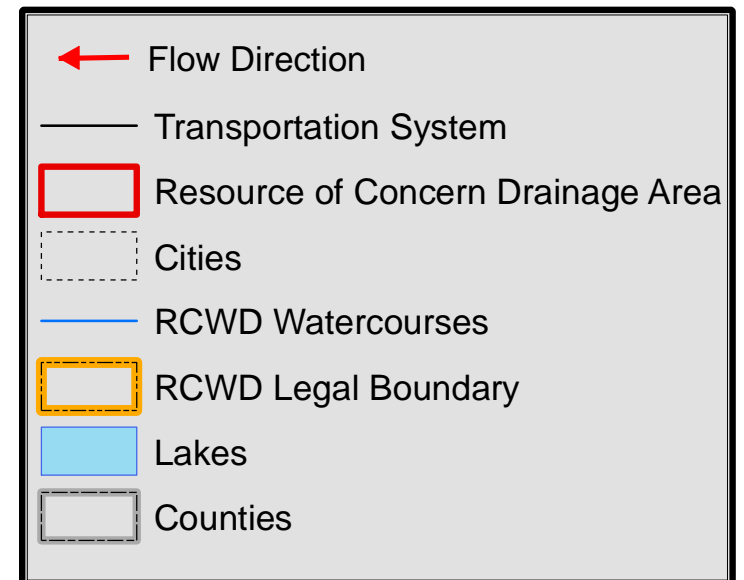
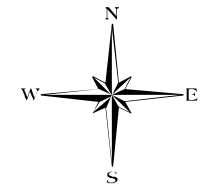


Sources: RCWD, TLG, MN DOT

**C1D: Resources of Concern  
Drainage Area of Middle Rice Creek**

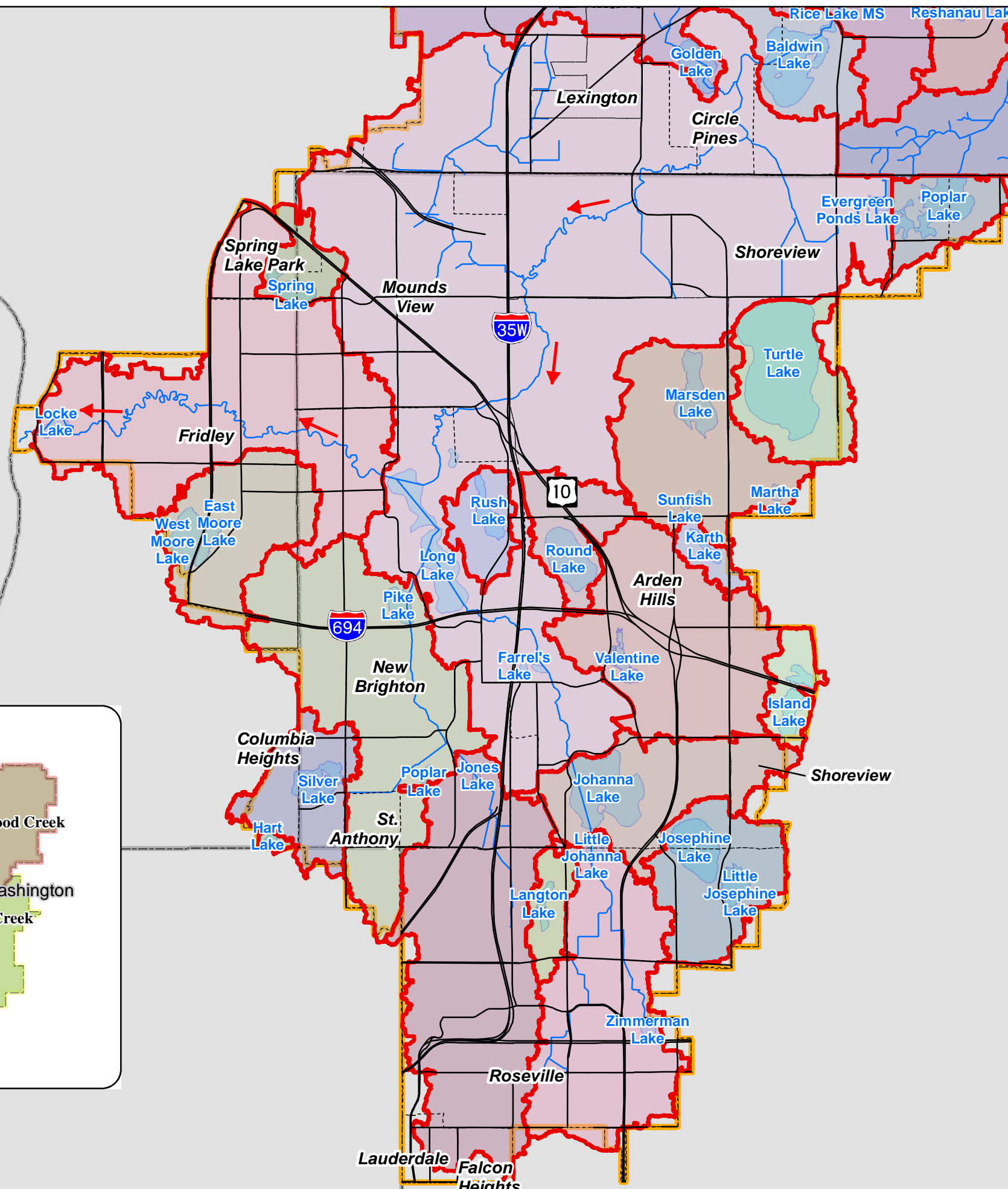
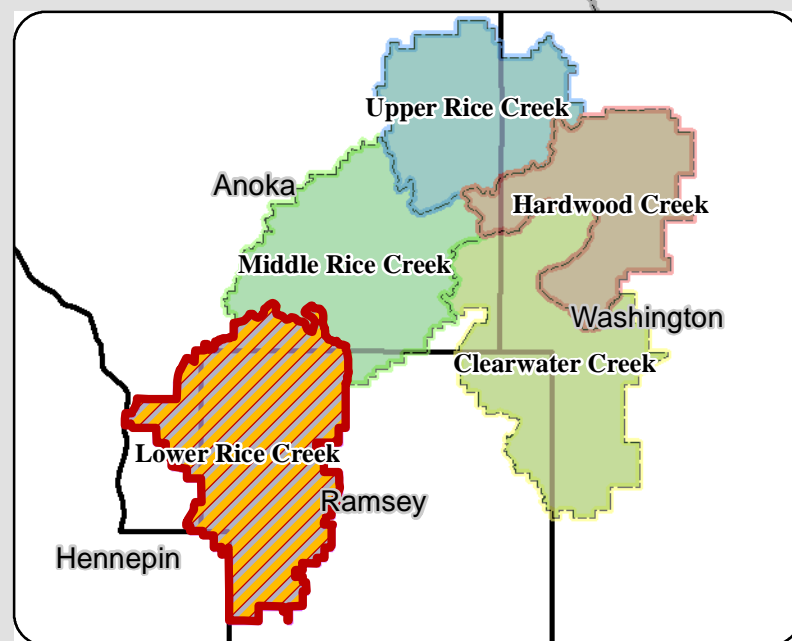


# Rice Creek Watershed District

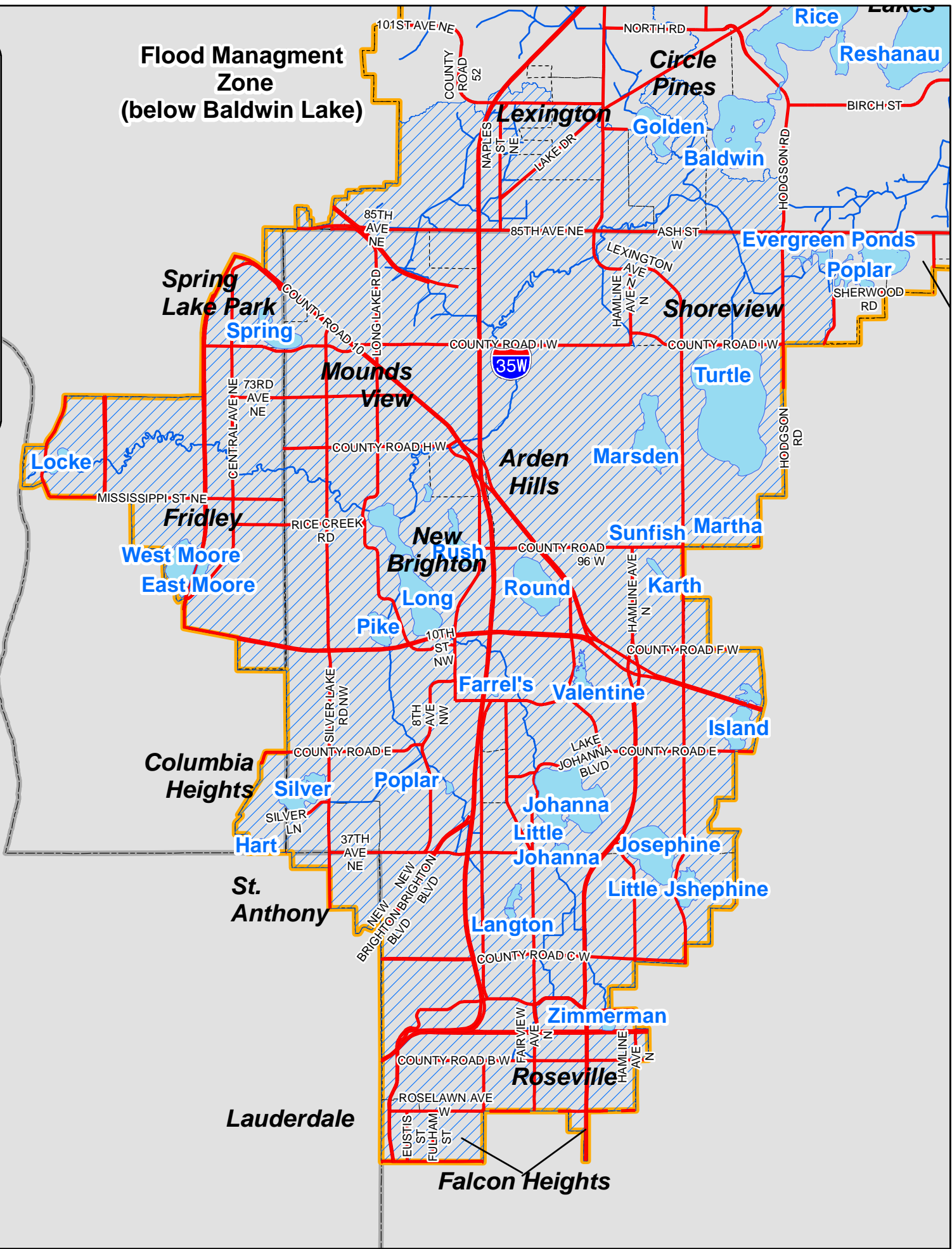
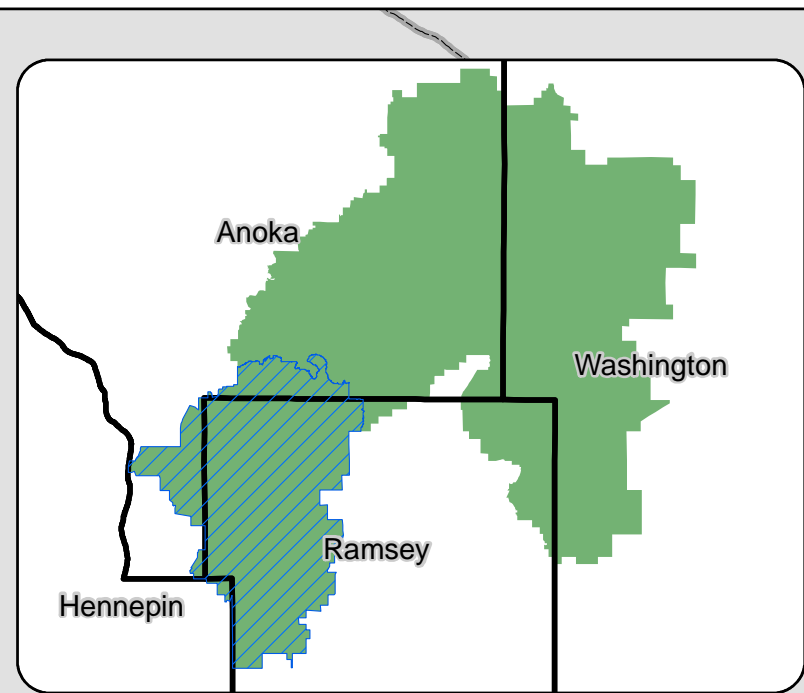


Sources: RCWD, TLG, MN DOT

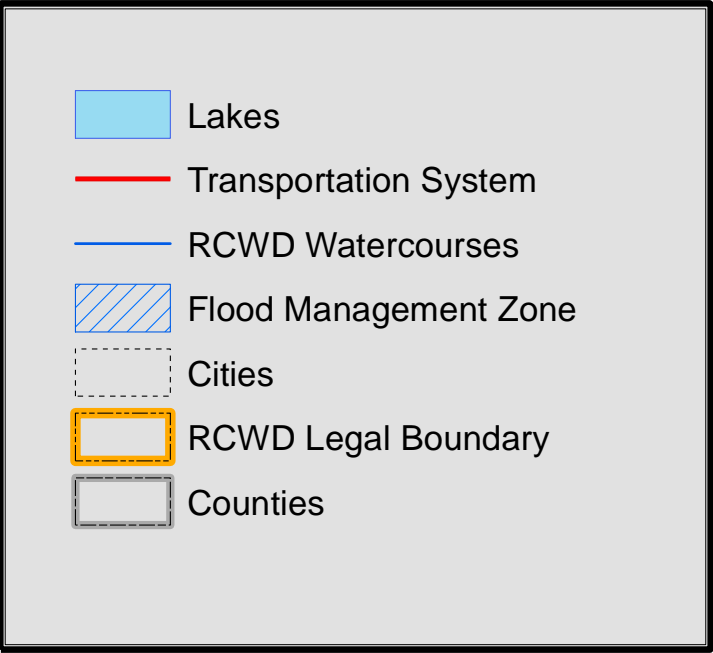
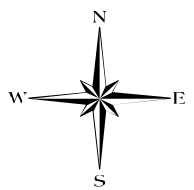
**C1E: Resources of Concern  
Drainage Area of Lower Rice Creek**







# Rice Creek Watershed District



Sources: RCWD, TLG, MN DOT

C2: Flood Management Zone

